



Landlord and Tenant Act 1954

1954 CHAPTER 56 2 and 3 Eliz 2

PART I

SECURITY OF TENURE FOR RESIDENTIAL TENANTS

General and supplementary provisions

16 Relief for tenant where landlord proceeding to enforce covenants.

- (1) The provisions of the next following subsection shall have effect where, in the case of a tenancy to which section one of this Act applies,—
 - (a) the immediate landlord has brought proceedings to enforce a right of re-entry or forfeiture or a right to damages in respect of a failure to comply with any terms of the tenancy,
 - (b) the tenant has made application in the proceedings for relief under this section, and
 - (c) the court makes an order for the recovery from the tenant of possession of the property comprised in the tenancy or for the payment by the tenant of such damages as aforesaid, and the order is made at a time earlier than seven months before the term date of the tenancy.
- (2) The operation of the order shall be suspended for a period of fourteen days from the making thereof, and if before the end of that period the tenant gives notice in writing to the immediate landlord that he desires that the provisions of the two following paragraphs shall have effect, and lodges a copy of the notice in the court,—
 - (a) the order shall not have effect except if and in so far as it provides for the payment of costs, and
 - (b) the tenancy shall thereafter have effect, and this Part of this Act shall have effect in relation thereto, as if it had been granted for a term expiring at the expiration of seven months from the making of the order.
- (3) In any case falling within paragraphs (a) and (b) of subsection (1) of this section, the court shall not make any such order as is mentioned in paragraph (c) thereof unless

Status: Point in time view as at 01/02/1991.

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the time of the making of the order falls earlier than seven months before the term date of the tenancy:

Provided that (without prejudice to section ten of this Act) this subsection shall not prevent the making of an order for the payment of damages in respect of a failure, as respects any premises, to comply with the terms of a tenancy if, at the time when the order is made, the tenancy has come to an end as respects those premises.

- (4) The foregoing provisions of this section shall not have effect in relation to a failure to comply with—
 - (a) any term of a tenancy as to payment of rent or rates or as to insuring or keeping insured any premises, or
 - (b) any term restricting the use of any premises for immoral or illegal purposes.
- (5) References in this section to proceedings to enforce a right to damages in respect of a failure to comply with any terms of a tenancy shall be construed as including references to proceedings for recovery from the tenant of expenditure incurred by or recovered from the immediate landlord in consequence of such a failure on the part of the tenant.
- (6) Nothing in the foregoing provisions of this section shall prejudice any right to apply for relief under any other enactment.
- (7) Subsection (3) of section two of this Act shall not have effect in relation to this section.

Modifications etc. (not altering text)

- C1** [S. 16](#) applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 186, Sch. 10 paras. 20(1), 21, 22

17 Prohibition of agreements excluding Part I.

The provisions of this Part of this Act shall have effect notwithstanding any agreement to the contrary:

Provided that nothing in this Part of this Act shall be construed as preventing the surrender of a tenancy.

18 Duty of tenants of residential property to give information to landlords or superior landlords.

- (1) Where the property comprised in a long tenancy [^{F1}at a low rent] is or includes residential premises, then at any time during the last two years of the term of the tenancy, or (if the tenancy is being continued after the term date by subsection (1) of section three of this Act) at any time while the tenancy is being so continued, the immediate landlord or any superior landlord may give to the tenant or any sub-tenant of premises comprised in the long tenancy a notice in the prescribed form requiring him to notify the landlord or superior landlord, as the case may be,—
 - (a) whether the interest of the person to whom the notice is given has effect subject to any sub-tenancy on which that interest is immediately expectant and, if so,
 - (b) what premises are comprised in the sub-tenancy, for what term it has effect (or, if it is terminable by notice, by what notice it can be terminated), what is the rent payable thereunder, who is the sub-tenant and (to the best of the

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knowledge and belief of the person to whom the notice is given) whether the sub-tenant is in occupation of the premises comprised in the sub-tenancy or any part of those premises and, if not, what is the sub-tenant's address, and it shall be the duty of the person to whom such a notice is given to comply therewith within one month of the giving of the notice.

- (2) In this section the expression “residential premises” means premises normally used, or adapted for use, as one or more dwellings, the expression “sub-tenant” in relation to a long tenancy means the owner of a tenancy created (whether immediately or derivatively) out of the long tenancy and includes a person retaining possession of any premises by virtue of the [^{F2}Rent Act] after the coming to an end of a sub-tenancy, and the expression “sub-tenancy” includes a right so to retain possession.

Textual Amendments

- F1** Words re-inserted by [Leasehold Reform Act 1967 \(c. 88\), s. 39\(2\)](#), [Sch. 5 para. 2\(d\)](#)
F2 Words substituted by [Rent Act 1968 \(c. 23\)](#), [Sch. 15](#) (continued by [Rent Act 1977 \(c. 42\)](#), [Sch. 24 para. 30](#))

Modifications etc. (not altering text)

- C2** [S. 18](#) applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), [s. 186\(5\)](#)

19 Application of Part I to tenancies granted in continuation of long tenancies.

- (1) Where on the coming to an end of a tenancy [^{F3}at a low rent] the person who was tenant thereunder immediately before the coming to an end thereof becomes (whether by grant or by implication of law) tenant of the whole or any part of the property comprised therein under another tenancy [^{F3}at a low rent], then if the first tenancy was a long tenancy or is deemed by virtue of this subsection to have been a long tenancy . . . ^{F4} the second tenancy shall be deemed for the purposes of this Part of this Act to be a long tenancy irrespective of its terms.
- (2) In relation to a tenancy from year to year or other tenancy not granted for a term of years certain, being a tenancy which by virtue of the last foregoing subsection is to be deemed to be a long tenancy, this Part of this Act shall have effect subject to the modifications set out in the Fourth Schedule to this Act.

Textual Amendments

- F3** Words re-inserted by [Leasehold Reform Act 1967 \(c. 88\), s. 39\(2\)](#), [Sch. 5 para. 2\(e\)](#)
F4 Words repealed by [Leasehold Reform Act 1967 \(c. 88\), s. 39\(2\)](#), [Sch. 5 para. 2\(e\)](#)

Modifications etc. (not altering text)

- C3** [S. 19\(2\)](#) amended by [Leasehold Reform Act 1967 \(c. 88\), s. 37\(2\)](#)

20 Assumptions on which court to determine future questions.

Where under this Part of this Act any question falls to be determined by the court by reference to the circumstances at a future date, the court shall have regard to all rights, interests and obligations under or relating to the tenancy as they subsist at the

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time of the determination and to all relevant circumstances as they then subsist and shall assume, except in so far as the contrary is shown, that those rights, interests, obligations and circumstances will continue to subsist unchanged until the said future date.

21 Meaning of “the landlord” in Part I and provisions as to mesne landlords, etc.

(1) Subject to the provisions of this section, in this Part of this Act the expression “the landlord”, in relation to a tenancy (in this section referred to as “the relevant tenancy”), means the person (whether or not he is the immediate landlord) who is the owner of that interest in the property comprised in the relevant tenancy which for the time being fulfils the following conditions, that is to say—

- (a) that it is an interest in reversion expectant (whether immediately or not) on the termination of the relevant tenancy, and
- (b) that it is either the fee simple or a tenancy the duration of which is at least five years longer than that of the relevant tenancy,

and is not itself in reversion expectant (whether immediately or not) on an interest which fulfils those conditions.

(2) References in this Part of this Act to a notice to quit given by the landlord are references to a notice to quit given by the immediate landlord.

(3) For the purposes of subsection (1) of this section the question whether a tenancy (hereinafter referred to as “the superior tenancy”) is to be treated as having a duration at least five years longer than that of the relevant tenancy shall be determined as follows:

- (a) if the term date of the relevant tenancy has not passed, the superior tenancy shall be so treated unless it is due to expire at a time earlier than five years after the term date or can be brought to an end at such a time by notice to quit given by the landlord;
- (b) if the term date of the relevant tenancy has passed, the superior tenancy shall be so treated unless it is due to expire within five years or can be brought to an end within five years by notice to quit given by the landlord.

(4) In relation to the premises constituting the dwelling-house where the [^{F5}Rent Act applies] by virtue of subsection (1) of section six of this Act, the expression “the landlord”, as respects any time falling within the period of the statutory tenancy, means the person who as respects those premises is the landlord of the tenant for the purposes of the [^{F5}Rent Act]:

Provided that in relation to the carrying out of initial repairs, and to any payment for accrued tenant’s repairs, the said expression, as respects any time falling within that period, means the person whose interest in the dwelling-house fulfils the following conditions, that is to say:—

- (a) that it is not due to expire within five years and is not capable of being brought to an end within five years by notice to quit given by the landlord, and
- (b) that it is not itself in reversion expectant on an interest which is not due to expire or capable of being brought to an end as aforesaid.

(5) The provisions of the Fifth Schedule to this Act shall have effect for the application of this Part of this Act to cases where the immediate landlord of the tenant is not the owner of the fee simple in respect of the premises in question.

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(6) Notwithstanding anything in subsection (1) of this section, if at any time the interest which apart from this subsection would be the interest of the landlord is an interest not bound by this Part of this Act and is not the interest of the immediate landlord, then as respects that time the expression “the landlord” means in this Part of this Act (subject to the provisions of subsection (2) of this section) the person (whether or not he is the immediate landlord) who has the interest in the property comprised in the relevant tenancy immediately derived out of the interest not bound by this Part of this Act.

[^{F6}In this subsection “interest not bound by this Part of this Act” means an interest which belongs to Her Majesty in right of the Crown and is not under the management of the Crown Estate Commissioners or an interest belonging to a government department or held on behalf of Her Majesty for the purposes of a government department.]

Textual Amendments

- F5** Words substituted by [Rent Act 1968 \(c. 23\)](#), [Sch. 15](#) (continued by [Rent Act 1977 \(c. 42\)](#), [Sch. 24 para. 30](#))
- F6** Definition substituted by [Housing Act 1980 \(c. 51\)](#), s. 73(4)(b), [Sch. 8 para. 9](#)

Modifications etc. (not altering text)

- C4** [S. 21](#) applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 186, [Sch. 10 paras. 19\(1\), 21, 22](#)

22 Interpretation of Part I.

(1) In this Part of this Act:—

- ^{F7}
- “date of termination” has the meaning assigned to it by subsection (1) of section four of this Act;
- “the dwelling-house” has the meaning assigned to it by subsection (3) of section six of this Act;
- “election to retain possession” has the meaning assigned to it by subsection (6) of section four of this Act;
- “former tenancy” has the meaning assigned to it by subsection (1) of section six of this Act;
- “initial repairs” has the meaning assigned to it by subsection (1) of section eight of this Act;
- “the landlord” has the meaning assigned to it by the last foregoing section;
- “landlord’s notice proposing a statutory tenancy” and “landlord’s notice to resume possession” have the meanings assigned to them respectively by subsection (5) of section four of this Act;
- “long tenancy” has the meaning assigned to it by subsection (4) of section two of this Act;
- “order” includes judgment;
- “payment for accrued tenant’s repairs” has the meaning assigned to it by subsection (1) of section eight of this Act;
- “the period of the statutory tenancy” has the meaning assigned to it by subsection (6) of section seven of this Act;

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“premises qualifying for protection” has the meaning assigned to it by subsection (3) of section three of this Act;

“qualifying condition” has the meaning assigned to it by subsection (1) of section two of this Act;

[^{F8} “the Rent Act” means [^{F9}the ^{M1}Rent Act 1977] as it applies to regulated tenancies but exclusive of [^{F9}Parts II to V] thereof;]

“tenancy at a low rent” has the meaning assigned to it by subsection (5) of section two of this Act;

“term date” has the meaning assigned to it by subsection (6) of section two of this Act.

- (2) In relation to the premises constituting the dwelling-house the expression “the tenant” in this Part of this Act means the tenant under the former tenancy and, except as respects any payment for accrued tenant’s repairs not payable by instalments, includes any successor to his statutory tenancy, and the expression “successor to his statutory tenancy”, in relation to that tenant, means a person who after that tenant’s death retains possession of the dwelling-house by virtue of the [^{F10}Rent Act].
- (3) In determining, for the purposes of any provision of this Part of this Act, whether the property comprised in a tenancy, or any part of that property, was let as a separate dwelling, the nature of the property or part at the time of the creation of the tenancy shall be deemed to have been the same as its nature at the time in relation to which the question arises, and the purpose for which it was let under the tenancy shall be deemed to have been the same as the purpose for which it is or was used at the last-mentioned time.

Textual Amendments

- F7** Definition repealed by [Rent Act 1977 \(c. 42\)](#), s. 155(5), [Sch. 25](#)
- F8** Definition substituted by [Rent Act 1968 \(c. 23\)](#), [Sch. 15](#) (continued by [Rent Act 1977 \(c. 42\)](#), [Sch. 24 para. 30](#))
- F9** Words substituted by [Rent Act 1977 \(c. 42\)](#), s. 155(2), [Sch. 23 para. 16](#)
- F10** Words substituted by [Rent Act 1968 \(c. 23\)](#), [Sch. 15](#) (continued by [Rent Act 1977 \(c. 42\)](#), [Sch. 24 para. 30](#))

Marginal Citations

- M1** [1977 c. 42](#).

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