



Landlord and Tenant Act 1954

1954 CHAPTER 56 2 and 3 Eliz 2

PART II

SECURITY OF TENURE FOR BUSINESS, PROFESSIONAL AND OTHER TENANTS

General and supplementary provisions

39 Saving for compulsory acquisitions.

- (1) ^{F1}
- (2) If the amount of the compensation which would have been payable under section thirty-seven of this Act if the tenancy had come to an end in circumstances giving rise to compensation under that section and the date at which the acquiring authority obtained possession had been the termination of the current tenancy exceeds the amount of [^{F2}the compensation payable under section 121 of the ^{M1}Lands Clauses Consolidation Act 1845 or section 20 of the ^{M2}Compulsory Purchase Act 1965 in the case of a tenancy to which this Part of this Act applies], that compensation shall be increased by the amount of the excess.
- (3) Nothing in section twenty-four of this Act shall affect the operation of the said section one hundred and twenty-one.

Textual Amendments

- F1** S. 39(1) repealed by [Land Compensation Act 1973 \(c. 26\), Sch. 3](#)
F2 Words substituted by [Land Compensation Act 1973 \(c. 26\), s. 47\(3\)](#)

Marginal Citations

- M1** 1845 c. 19.
M2 1965 c. 56.

Changes to legislation: Landlord and Tenant Act 1954, Cross Heading: General and supplementary provisions is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F3}40 Duty of tenants and landlords of business premises to give information to each other.

- (1) Where a person who is an owner of an interest in reversion expectant (whether immediately or not) on a tenancy of any business premises has served on the tenant a notice in the prescribed form requiring him to do so, it shall be the duty of the tenant to give the appropriate person in writing the information specified in subsection (2) below.
- (2) That information is—
 - (a) whether the tenant occupies the premises or any part of them wholly or partly for the purposes of a business carried on by him;
 - (b) whether his tenancy has effect subject to any sub-tenancy on which his tenancy is immediately expectant and, if so—
 - (i) what premises are comprised in the sub-tenancy;
 - (ii) for what term it has effect (or, if it is terminable by notice, by what notice it can be terminated);
 - (iii) what is the rent payable under it;
 - (iv) who is the sub-tenant;
 - (v) (to the best of his knowledge and belief) whether the sub-tenant is in occupation of the premises or of part of the premises comprised in the sub-tenancy and, if not, what is the sub-tenant's address;
 - (vi) whether an agreement is in force excluding in relation to the sub-tenancy the provisions of sections 24 to 28 of this Act; and
 - (vii) whether a notice has been given under section 25 or 26(6) of this Act, or a request has been made under section 26 of this Act, in relation to the sub-tenancy and, if so, details of the notice or request; and
 - (c) (to the best of his knowledge and belief) the name and address of any other person who owns an interest in reversion in any part of the premises.
- (3) Where the tenant of any business premises who is a tenant under such a tenancy as is mentioned in section 26(1) of this Act has served on a reversioner or a reversioner's mortgagee in possession a notice in the prescribed form requiring him to do so, it shall be the duty of the person on whom the notice is served to give the appropriate person in writing the information specified in subsection (4) below.
- (4) That information is—
 - (a) whether he is the owner of the fee simple in respect of the premises or any part of them or the mortgagee in possession of such an owner,
 - (b) if he is not, then (to the best of his knowledge and belief)—
 - (i) the name and address of the person who is his or, as the case may be, his mortgagor's immediate landlord in respect of those premises or of the part in respect of which he or his mortgagor is not the owner in fee simple;
 - (ii) for what term his or his mortgagor's tenancy has effect and what is the earliest date (if any) at which that tenancy is terminable by notice to quit given by the landlord; and
 - (iii) whether a notice has been given under section 25 or 26(6) of this Act, or a request has been made under section 26 of this Act, in relation to the tenancy and, if so, details of the notice or request;

Changes to legislation: Landlord and Tenant Act 1954, Cross Heading: General and supplementary provisions is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) (to the best of his knowledge and belief) the name and address of any other person who owns an interest in reversion in any part of the premises; and
 - (d) if he is a reversioner, whether there is a mortgagee in possession of his interest in the premises and, if so, (to the best of his knowledge and belief) what is the name and address of the mortgagee.
- (5) A duty imposed on a person by this section is a duty—
- (a) to give the information concerned within the period of one month beginning with the date of service of the notice; and
 - (b) if within the period of six months beginning with the date of service of the notice that person becomes aware that any information which has been given in pursuance of the notice is not, or is no longer, correct, to give the appropriate person correct information within the period of one month beginning with the date on which he becomes aware.
- (6) This section shall not apply to a notice served by or on the tenant more than two years before the date on which apart from this Act his tenancy would come to an end by effluxion of time or could be brought to an end by notice to quit given by the landlord.
- (7) Except as provided by section 40A of this Act, the appropriate person for the purposes of this section and section 40A(1) of this Act is the person who served the notice under subsection (1) or (3) above.
- (8) In this section—
- “business premises” means premises used wholly or partly for the purposes of a business;
 - “mortgagee in possession” includes a receiver appointed by the mortgagee or by the court who is in receipt of the rents and profits, and “his mortgagor” shall be construed accordingly;
 - “reversioner” means any person having an interest in the premises, being an interest in reversion expectant (whether immediately or not) on the tenancy;
 - “reversioner’s mortgagee in possession” means any person being a mortgagee in possession in respect of such an interest; and
 - “sub-tenant” includes a person retaining possession of any 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.]

Textual Amendments

F3 S. 40 substituted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), 23

[^{F4}40A. *Duties in transfer cases*

- (1) If a person on whom a notice under section 40(1) or (3) of this Act has been served has transferred his interest in the premises or any part of them to some other person and gives the appropriate person notice in writing—
- (a) of the transfer of his interest; and
 - (b) of the name and address of the person to whom he transferred it,

Changes to legislation: Landlord and Tenant Act 1954, Cross Heading: General and supplementary provisions is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

on giving the notice he ceases in relation to the premises or (as the case may be) to that part to be under any duty imposed by section 40 of this Act.

(2) If—

- (a) the person who served the notice under section 40(1) or (3) of this Act (“the transferor”) has transferred his interest in the premises to some other person (“the transferee”); and
- (b) the transferor or the transferee has given the person required to give the information notice in writing—
 - (i) of the transfer; and
 - (ii) of the transferee’s name and address,
 the appropriate person for the purposes of section 40 of this Act and subsection (1) above is the transferee.

(3) If—

- (a) a transfer such as is mentioned in paragraph (a) of subsection (2) above has taken place; but
- (b) neither the transferor nor the transferee has given a notice such as is mentioned in paragraph (b) of that subsection,

any duty imposed by section 40 of this Act may be performed by giving the information either to the transferor or to the transferee.]

Textual Amendments

F4 S. 40A inserted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), 24

[^{F5}40B. *Proceedings for breach of duties to give information*

A claim that a person has broken any duty imposed by section 40 of this Act may be made the subject of civil proceedings for breach of statutory duty; and in any such proceedings a court may order that person to comply with that duty and may make an award of damages.]

Textual Amendments

F5 S. 40B inserted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), 24

41 Trusts.

- (1) Where a tenancy is held on trust, occupation by all or any of the beneficiaries under the trust, and the carrying on of a business by all or any of the beneficiaries, shall be treated for the purposes of section twenty-three of this Act as equivalent to occupation or the carrying on of a business by the tenant; and in relation to a tenancy to which this Part of this Act applies by virtue of the foregoing provisions of this subsection—
 - (a) references (however expressed) in this Part of this Act and in the Ninth Schedule to this Act to the business of, or to carrying on of business, use, occupation or enjoyment by, the tenant shall be construed as including

Changes to legislation: Landlord and Tenant Act 1954, Cross Heading: General and supplementary provisions is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- references to the business of, or to carrying on of business, use, occupation or enjoyment by, the beneficiaries or beneficiary;
- (b) the reference in paragraph (d) of [^{F6}subsection (1) of] section thirty-four of this Act to the tenant shall be construed as including the beneficiaries or beneficiary; and
- (c) a change in the persons of the trustees shall not be treated as a change in the person of the tenant.
- (2) Where the landlord's interest is held on trust the references in paragraph (g) of subsection (1) of section thirty of this Act to the landlord shall be construed as including references to the beneficiaries under the trust or any of them; but, except in the case of a trust arising under a will or on the intestacy of any person, the reference in subsection (2) of that section to the creation of the interest therein mentioned shall be construed as including the creation of the trust.
- [^{F7}(3) Where a tenancy is held on trust, section 43ZA(2) has effect as if—
- (a) paragraph (b) were omitted, and
- (b) the condition in paragraph (c)(i) were a condition that the terms of the tenancy require at least one individual who is a trustee or a beneficiary under the trust to occupy the dwelling-house as a home (whether or not as that individual's only or principal home).]

Textual Amendments

F6 Words inserted by [Law of Property Act 1969 \(c. 59\), s. 1\(2\)](#)

F7 [S. 41\(3\)](#) inserted (1.10.2015 for E., 1.10.2015 for W.) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 36\(1\), 164\(1\)](#) (with [s. 36\(3\)](#)); [S.I. 2015/1689, reg. 2\(b\)](#); [S.I. 2015/1710, reg. 2\(b\)](#)

[^{F8}41A Partnerships.

- (1) The following provisions of this section shall apply where—
- (a) a tenancy is held jointly by two or more persons (in this section referred to as the joint tenants); and
- (b) the property comprised in the tenancy is or includes premises occupied for the purposes of a business; and
- (c) the business (or some other business) was at some time during the existence of the tenancy carried on in partnership by all the persons who were then the joint tenants or by those and other persons and the joint tenants' interest in the premises was then partnership property; and
- (d) the business is carried on (whether alone or in partnership with other persons) by one or some only of the joint tenants and no part of the property comprised in the tenancy is occupied, in right of the tenancy, for the purposes of a business carried on (whether alone or in partnership with other persons) by the other or others.
- (2) In the following provisions of this section those of the joint tenants who for the time being carry on the business are referred to as the business tenants and the others as the other joint tenants.
- (3) Any notice given by the business tenants which, had it been given by all the joint tenants, would have been—

Changes to legislation: Landlord and Tenant Act 1954, Cross Heading: General and supplementary provisions is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) a tenant’s request for a new tenancy made in accordance with section 26 of this Act; or
 - (b) a notice under subsection (1) or subsection (2) of section 27 of this Act;
- shall be treated as such if it states that it is given by virtue of this section and sets out the facts by virtue of which the persons giving it are the business tenants; and references in those sections and in section 24A of this Act to the tenant shall be construed accordingly.
- (4) A notice given by the landlord to the business tenants which, had it been given to all the joint tenants, would have been a notice under section 25 of this Act shall be treated as such a notice, and references in that section to the tenant shall be construed accordingly.
- (5) An application under section 24(1) of this Act for a new tenancy may, instead of being made by all the joint tenants, be made by the business tenants alone; and where it is so made—
- (a) this Part of this Act shall have effect, in relation to it, as if the references therein to the tenant included references to the business tenants alone; and
 - (b) the business tenants shall be liable, to the exclusion of the other joint tenants, for the payment of rent and the discharge of any other obligation under the current tenancy for any rental period beginning after the date specified in the landlord’s notice under section 25 of this Act or, as the case may be, beginning on or after the date specified in their request for a new tenancy.
- (6) Where the court makes an order under [^{F9}section 29 of this Act for the grant of a new tenancy it may order the grant to be made to the business tenants or to them jointly] with the persons carrying on the business in partnership with them, and may order the grant to be made subject to the satisfaction, within a time specified by the order, of such conditions as to guarantors, sureties or otherwise as appear to the court equitable, having regard to the omission of the other joint tenants from the persons who will be the tenants under the new tenancy.
- (7) The business tenants shall be entitled to recover any amount payable by way of compensation under section 37 or section 59 of this Act.]

Textual Amendments

F8 S. 41A inserted by [Law of Property Act 1969 \(c. 59\)](#), s. 9

F9 Words in s. 41A(6) substituted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), art. 1(3), [Sch. 5 para. 5](#)

[^{F10}42 **Groups of companies.**

- (1) For the purposes of this section two bodies corporate shall be taken to be members of a group if and only if one is a subsidiary of the other or both are subsidiaries of a third body corporate[^{F11}or the same person has a controlling interest in both].
- F12 F12 F12

- (2) Where a tenancy is held by a member of a group, occupation by another member of the group, and the carrying on of a business by another member of the group, shall be treated for the purposes of section 23 of this Act as equivalent to occupation or the carrying on of a business by the member of the group holding the tenancy; and in

Changes to legislation: Landlord and Tenant Act 1954, Cross Heading: General and supplementary provisions is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

relation to a tenancy to which this Part of this Act applies by virtue of the foregoing provisions of this subsection—

- (a) references (however expressed) in this Part of this Act and in the Ninth Schedule to this Act to the business of or to use occupation or enjoyment by the tenant shall be construed as including references to the business of or to use occupation or enjoyment by the said other member;
 - (b) the reference in paragraph (d) of subsection (1) of section 34 of this Act to the tenant shall be construed as including the said other member; and
 - (c) an assignment of the tenancy from one member of the group to another shall not be treated as a change in the person of the tenant.
- (3) Where the landlord's interest is held by a member of a group—
- (a) the reference in paragraph (g) of subsection (1) of section 30 of this Act to intended occupation by the landlord for the purposes of a business to be carried on by him shall be construed as including intended occupation by any member of the group for the purposes of a business to be carried on by that member; and
 - (b) the reference in subsection (2) of that section to the purchase or creation of any interest shall be construed as a reference to a purchase from or creation by a person other than a member of the group.]

Textual Amendments

- F10** S. 42 substituted by virtue of [Law of Property Act 1969 \(c. 59\), s. 15, Sch. 1](#)
- F11** Words in s. 42(1) added (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\), arts. 1\(3\), 16](#)
- F12** Words in s. 42(1) repealed (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\), art. 1\(3\), Sch. 6](#)

43 Tenancies excluded from Part II.

(1) This Part of this Act does not apply—

- (a) to a tenancy of an agricultural holding [^{F13}[^{F14}which is a tenancy in relation to which the Agricultural Holdings Act 1986 applies or a tenancy which would be a tenancy of an agricultural holding in relation to which that Act applied if subsection (3) of section 2 of that Act][^{F15} did not have effect or, in a case where approval was given under subsection (1) of that section], if that approval had not been given];
- [^{F16}(aa) to a farm business tenancy;]
- (b) to a tenancy created by a mining lease;
- (c) ^{F17}
- [^{F18}(d) to a tenancy of premises licensed for the sale of intoxicating liquor for consumption on the premises, other than—

 - (i) premises which are structurally adapted to be used, and are bona fide used, for a business which comprises one or both of the following, namely, the reception of guests and travellers desiring to sleep on the premises and the carrying on of a restaurant, being a business a substantial proportion of which consists of transactions other than the sale of intoxicating liquor;

Changes to legislation: Landlord and Tenant Act 1954, Cross Heading: General and supplementary provisions is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (ii) premises adapted to be used, and bona fide used, only for one or more of the following purposes, namely, for judicial or public administrative purposes, or as a theatre or place of public or private entertainment, or as public gardens or picture galleries, or for exhibitions, or for any similar purpose to which the holding of the licence is merely ancillary;
 - (iii) premises adapted to be used, and bona fide used, as refreshment rooms at a railway station.]]
- (2) This Part of this Act does not apply to a tenancy granted by reason that the tenant was the holder of an office, appointment or employment from the grantor thereof and continuing only so long as the tenant holds the office, appointment or employment, or terminable by the grantor on the tenant's ceasing to hold it, or coming to an end at a time fixed by reference to the time at which the tenant ceases to hold it:

Provided that this subsection shall not have effect in relation to a tenancy granted after the commencement of this Act unless the tenancy was granted by an instrument in writing which expressed the purpose for which the tenancy was granted.

- [^{F20}(3) This Part of this Act does not apply to a tenancy granted for a term certain not exceeding six months unless—
- (a) the tenancy contains provision for renewing the term or for extending it beyond six months from its beginning; or
 - (b) the tenant has been in occupation for a period which, together with any period during which any predecessor in the carrying on of the business carried on by the tenant was in occupation, exceeds twelve months.]
- [^{F21}(4) This Part does not apply to a tenancy—
- (a) the primary purpose of which is to grant code rights within the meaning of Schedule 3A to the Communications Act 2003 (the electronic communications code), and
 - (b) which is granted after that Schedule comes into force.]

Textual Amendments

- F13** Words added retrospectively by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 29**
- F14** Words in s. 43(1)(a) substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 10(a)** (with s. 37)
- F15** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, **Sch. 13 para. 3**, **Sch. 14 para. 21**
- F16** S. 43(1)(aa) inserted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 10(b)** (with s. 37)
- F17** S. 43(1)(c) repealed by [Housing Act 1980 \(c. 51\)](#), **Sch. 26**
- F18** S. 43(1) (d) repealed (in relation to any tenancy entered into on or after 11th July 1989) by [Landlord and Tenant \(Licensed Premises\) Act 1990 \(c. 39, SIF 75:1\)](#), **ss. 1(1)(2)**, 2(2)(a)
- F19** S. 43(1)(d) substituted by [Finance Act 1959 \(c. 58\)](#), **Sch. 2 para. 5**
- F20** S. 43(3) substituted by virtue of [Law of Property Act 1969 \(c. 59\)](#), s. 15, **Sch. 1** in relation to tenancies granted after 1.1.1970
- F21** S. 43(4) inserted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), **Sch. 3 para. 4**; S.I. 2017/1286, reg. 2(d)

[^{F22}43ZA] Further exclusion of home business tenancies from Part 2

- (1) This Part of this Act does not apply to a home business tenancy.

Changes to legislation: Landlord and Tenant Act 1954, Cross Heading: General and supplementary provisions is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) A home business tenancy is a tenancy under which—
 - (a) a dwelling-house is let as a separate dwelling,
 - (b) the tenant or, where there are joint tenants, each of them, is an individual, and
 - (c) the terms of the tenancy—
 - (i) require the tenant or, where there are joint tenants, at least one of them, to occupy the dwelling-house as a home (whether or not as that individual's only or principal home),
 - (ii) permit a home business to be carried on in the dwelling-house, or permit the immediate landlord to give consent for a home business to be carried on in the dwelling-house, and
 - (iii) do not permit a business other than a home business to be carried on in the dwelling-house.
- (3) The terms of a tenancy permit the carrying on of a home business if they permit the carrying on of a particular home business, a particular description of home business or any home business.
- (4) A “home business” is a business of a kind which might reasonably be carried on at home.
- (5) A business is not to be treated as a home business if it involves the supply of alcohol for consumption on licensed premises which form all or part of the dwelling-house.
- (6) The appropriate national authority may by regulations prescribe cases in which businesses are, or are not, to be treated as home businesses.
- (7) Regulations under this section—
 - (a) may include transitional or saving provision,
 - (b) may make different provision for different purposes,
 - (c) are to be made by statutory instrument,
 - (d) may not be made unless—
 - (i) in the case of regulations made by the Secretary of State, a draft of the statutory instrument containing the regulations has been laid before Parliament and approved by a resolution of each House of Parliament,
 - (ii) in the case of regulations made by the Welsh Ministers, a draft of the statutory instrument containing the regulations has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (8) For the purposes of this section, a dwelling-house which is let for mixed residential and business use is capable of being let as a dwelling.
- (9) If, under a tenancy, a dwelling-house is let together with other land, then, for the purposes of this section—
 - (a) if the main purpose of the letting is the provision of a home for the tenant, the other land is to be treated as part of the dwelling-house, and
 - (b) if the main purpose of the letting is not as mentioned in paragraph (a), the tenancy is to be treated as not being one under which a dwelling-house is let as a separate dwelling.
- (10) In this section—
 - “ the appropriate national authority ” means—
 - (a) in relation to England, the Secretary of State, and

Changes to legislation: Landlord and Tenant Act 1954, Cross Heading: General and supplementary provisions is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) in relation to Wales, the Welsh Ministers;
 - “dwelling-house” may be a house or part of a house;
 - “let ” includes sub-let;
 - “ licensed premises ” has the same meaning as in the Licensing Act 2003 (see section 193 of that Act);
 - “ supply of alcohol ” has the same meaning as in the Licensing Act 2003 (see section 14 of that Act).]

Textual Amendments

F22 S. 43ZA inserted (1.10.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), ss. [35\(4\)](#), [164\(1\)](#) (with s. [35\(5\)](#)); S.I. [2015/1689](#), reg. [2\(b\)](#); S.I. [2015/1710](#), reg. [2\(a\)](#)

[^{F23}43A Jurisdiction of county court to make declaration.

Where the rateable value of the holding is such that the jurisdiction conferred on the court by any other provision of this Part of this Act is, by virtue of section 63 of this Act, exercisable by the county court, the county court shall have jurisdiction (but without prejudice to the jurisdiction of the High Court) to make any declaration as to any matter arising under this Part of this Act, whether or not any other relief is sought in the proceedings.]

Textual Amendments

F23 S. 43A inserted by [Law of Property Act 1969 \(c. 59\)](#), s. [13](#)

Modifications etc. (not altering text)

C1 S. 43A amended by [S.I. 1990/776](#), arts. [2\(2\)](#), [4\(1\)\(d\)](#)

[^{F24}44 Meaning of the landlord in Part II, and provisions as to mesne landlords, etc.

- (1) Subject to [^{F25}subsections (1A) and (2) below,], 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 which will not come to an end within fourteen months by effluxion of time and, if it is such a tenancy, that no notice has been given by virtue of which it will come to an end within fourteen months or any further time by which it may be continued under section 36(2) or section 64 of this Act,

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

[The reference in subsection (1) above to a person who is the owner of an interest ^{F26}(1A) 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.]

Changes to legislation: Landlord and Tenant Act 1954, Cross Heading: General and supplementary provisions is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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) The provisions of the Sixth 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 holding.]

Textual Amendments

- F24** S. 44 substituted by virtue of [Law of Property Act 1969 \(c. 59\)](#), s. 15, **Sch. 1**
- F25** Words in s. 44(1) substituted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), **27(1)**
- F26** S. 44(1A) inserted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), **27(2)**

45 ^{F27}

Textual Amendments

- F27** Ss. 45, 68(1), Sch. 7 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Pt. XI**

46 Interpretation of Part II.

[^{F28}(1) In this Part of this Act:—

“ business ” has the meaning assigned to it by subsection (2) of section twenty-three of this Act;

[^{F29}“ current tenancy ” means the tenancy under which the tenant holds for the time being;]

“ date of termination ” has the meaning assigned to it by subsection (1) of section twenty-five of this Act;

subject to the provisions of section thirty-two of this Act, “ the holding ” has the meaning assigned to it by subsection (3) of section twenty-three of this Act;

[^{F30}“ interim rent ” has the meaning given by section 24A(1) of this Act;]

“ mining lease ” has the same meaning as in the ^{M3} Landlord and Tenant Act 1927.]

[^{F31}(2) For the purposes of this Part of this Act, a person has a controlling interest in a company, if, had he been a company, the other company would have been its subsidiary; and in this Part—

“ company ” has the meaning given by [^{F32}section 1(1) of the Companies Act 2006]; and

“ subsidiary ” has the meaning given by [^{F33}section 1159 of that Act].]

Textual Amendments

- F28** S. 46 renumbered (1.6.2004) as s. 46(1) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), **17(1)**

Changes to legislation: *Landlord and Tenant Act 1954, Cross Heading: General and supplementary provisions is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F29** Words in s. 46 substituted (1.6.2004) by Regulatory Reform (Business Tenancies) (England and Wales) Order 2003 (S.I. 2003/3096), art. 1(3), **Sch. 5 para. 6(a)**
- F30** Words in s. 46 inserted (1.6.2004) by Regulatory Reform (Business Tenancies) (England and Wales) Order 2003 (S.I. 2003/3096), art. 1(3), **Sch. 5 para. 6(b)**
- F31** S. 46(2) added (1.6.2004) by Regulatory Reform (Business Tenancies) (England and Wales) Order 2003 (S.I. 2003/3096), arts. 1(3), **17(2)**
- F32** Words in s. 46(2) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 7(a)** (with art. 10)
- F33** Words in s. 46(2) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 7(b)** (with art. 10)

Marginal Citations

- M3** 1927 c. 36.

Changes to legislation:

Landlord and Tenant Act 1954, Cross Heading: General and supplementary provisions is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34(5) inserted by [2022 c. 46 s. 61\(5\)](#)
- s. 34A inserted by [2022 c. 46 s. 61\(2\)](#)
- s. 34B34C inserted by [2022 c. 46 s. 63](#)
- s. 63(2A)-(2C) inserted by [2022 c. 46 s. 65](#)