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STATUTORY INSTRUMENTS

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**2003 No. 3096**

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

*APPLICATIONS TO COURT BY LANDLORD OR TENANT*

**Amendments to section 24**

**3.—(1)** In section 24(1)(1) (continuation of business tenancies), for the words “provisions of section twenty-nine of this Act, the tenant under such a tenancy may apply to the court for” substitute the words “following provisions of this Act either the tenant or the landlord under such a tenancy may apply to the court for an order for the grant of”.

(2) Insert the following subsections after section 24(2)—

“(2A) Neither the tenant nor the landlord may make an application under subsection (1) above if the other has made such an application and the application has been served.

(2B) Neither the tenant nor the landlord may make such an application if the landlord has made an application under section 29(2) of this Act and the application has been served.

(2C) The landlord may not withdraw an application under subsection (1) above unless the tenant consents to its withdrawal.”.

**Amendments to section 25**

**4.—(1)** Omit section 25(5) (requirement for tenant to notify landlord whether he is willing to give up possession).

(2) For section 25(6) substitute—

“(6) A notice under this section shall not have effect unless it states whether the landlord is opposed to the grant of a new tenancy to the tenant.

(7) A notice under this section which states that the landlord is opposed to the grant of a new tenancy to the tenant shall not have effect unless it also specifies one or more of the grounds specified in section 30(1) of this Act as the ground or grounds for his opposition.

(8) A notice under this section which states that the landlord is not opposed to the grant of a new tenancy to the tenant shall not have effect unless it sets out the landlord’s proposals as to—

- (a) the property to be comprised in the new tenancy (being either the whole or part of the property comprised in the current tenancy);
- (b) the rent to be payable under the new tenancy; and
- (c) the other terms of the new tenancy.”.

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(1) Section 24(1) was amended by section 3(2) of the Law of Property Act 1969 (c. 59).

## **Landlord’s application to terminate tenancy**

5. For section 29 (order by court for grant of a new tenancy) and the cross-heading immediately preceding it substitute—

### *“APPLICATIONS TO COURT*

#### *Order by court for grant of new tenancy or termination of current tenancy*

**29.**—(1) Subject to the provisions of this Act, on an application under section 24(1) of this Act, the court shall make an order for the grant of a new tenancy and accordingly for the termination of the current tenancy immediately before the commencement of the new tenancy.

(2) Subject to the following provisions of this Act, a landlord may apply to the court for an order for the termination of a tenancy to which this Part of this Act applies without the grant of a new tenancy—

(a) if he has given notice under section 25 of this Act that he is opposed to the grant of a new tenancy to the tenant; or

(b) if the tenant has made a request for a new tenancy in accordance with section 26 of this Act and the landlord has given notice under subsection (6) of that section.

(3) The landlord may not make an application under subsection (2) above if either the tenant or the landlord has made an application under section 24(1) of this Act.

(4) Subject to the provisions of this Act, where the landlord makes an application under subsection (2) above—

(a) if he establishes, to the satisfaction of the court, any of the grounds on which he is entitled to make the application in accordance with section 30 of this Act, the court shall make an order for the termination of the current tenancy in accordance with section 64 of this Act without the grant of a new tenancy; and

(b) if not, it shall make an order for the grant of a new tenancy and accordingly for the termination of the current tenancy immediately before the commencement of the new tenancy.

(5) The court shall dismiss an application by the landlord under section 24(1) of this Act if the tenant informs the court that he does not want a new tenancy.

(6) The landlord may not withdraw an application under subsection (2) above unless the tenant consents to its withdrawal.”.

## **Amendments to section 30**

**6.**—(1) In section 30(1) (grounds of opposition by landlord to renewal of tenancy), for the words “subsection (1) of section twenty-four of this Act” substitute “section 24(1) of this Act, or make an application under section 29(2) of this Act,”.

(2) In section 30(2), after the words “oppose an application” insert “under section 24(1) of this Act, or make an application under section 29(2) of this Act,”.

## **Amendment to section 31**

**7.** In section 31(2) (declaration and order of the court in certain cases where landlord opposes renewal) for the words from the beginning to “any of those grounds” substitute “Where the landlord opposes an application under section 24(1) of this Act, or makes an application under section 29(2) of this Act, on one or more of the grounds specified in section 30(1)(d) to (f) of this Act but establishes

none of those grounds, and none of the other grounds specified in section 30(1) of this Act, to the satisfaction of the court, then if the court would have been satisfied on any of the grounds specified in section 30(1)(d) to (f) of this Act”.

#### **Amendment to section 31A**

**8.** In section 31A(1)(2) (grant of new tenancy in some cases where section 30(1)(f) applies), after the words “30(1) of this Act” insert “, or makes an application under section 29(2) of this Act on that ground,”.

#### **Amendment to section 34**

**9.** In section 34(2)(a) (3) (rent under new tenancy), for the words “for the new tenancy” substitute the words “to the court”.

#### **Time limits for applications to court**

**10.** After section 29 insert the following sections—

“Time limits for applications to court

**29A.—(1)** Subject to section 29B of this Act, the court shall not entertain an application—

- (a) by the tenant or the landlord under section 24(1) of this Act; or
- (b) by the landlord under section 29(2) of this Act,

if it is made after the end of the statutory period.

(2) In this section and section 29B of this Act “the statutory period” means a period ending—

- (a) where the landlord gave a notice under section 25 of this Act, on the date specified in his notice; and
- (b) where the tenant made a request for a new tenancy under section 26 of this Act, immediately before the date specified in his request.

(3) Where the tenant has made a request for a new tenancy under section 26 of this Act, the court shall not entertain an application under section 24(1) of this Act which is made before the end of the period of two months beginning with the date of the making of the request, unless the application is made after the landlord has given a notice under section 26(6) of this Act.

#### **Agreements extending time limits**

**29B.—(1)** After the landlord has given a notice under section 25 of this Act, or the tenant has made a request under section 26 of this Act, but before the end of the statutory period, the landlord and tenant may agree that an application such as is mentioned in section 29A(1) of this Act, may be made before the end of a period specified in the agreement which will expire after the end of the statutory period.

(2) The landlord and tenant may from time to time by agreement further extend the period for making such an application, but any such agreement must be made before the end of the period specified in the current agreement.

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(2) Section 31A was inserted by section 7(1) of the Law of Property Act 1969 (c. 59).

(3) Section 34(2) was inserted by section 1(1) of the Law of Property Act 1969.

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(3) Where an agreement is made under this section, the court may entertain an application such as is mentioned in section 29A(1) of this Act if it is made before the end of the period specified in the agreement.

(4) Where an agreement is made under this section, or two or more agreements are made under this section, the landlord's notice under section 25 of this Act or tenant's request under section 26 of this Act shall be treated as terminating the tenancy at the end of the period specified in the agreement or, as the case may be, at the end of the period specified in the last of those agreements."

**Amendment to section 25**

**11.** In section 25(1) (termination of tenancy subject to provisions of Part 4) after "subject to" insert "the provisions of section 29B(4) of this Act and".

**Amendment to section 26**

**12.** In section 26(5) (termination of tenancy subject to section 36(2) and Part 4) for "subsection (2) of section thirty-six" substitute "sections 29B(4) and 36(2)".