

Landlord and Tenant Act 1954 c. 56

s. 23 Tenancies to which Part II applies.



Law In Force

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Subjects

Landlord and tenant

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23.— Tenancies to which Part II applies.

(1) Subject to the provisions of this Act, this Part of this Act applies to any tenancy where the property comprised in the tenancy is or includes premises which are occupied by the tenant and are so occupied for the purposes of a business carried on by him or for those and other purposes.

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(1A) Occupation or the carrying on of a business—

(a) by a company in which the tenant has a controlling interest; or

(b) where the tenant is a company, by a person with a controlling interest in the company,

shall be treated for the purposes of this section as equivalent to occupation or, as the case may be, the carrying on of a business by the tenant.

(1B) Accordingly references (however expressed) in this Part of 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, a company falling within subsection (1A)(a) above or a person falling within subsection (1A)(b) above.

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(2) In this Part of this Act the expression “*business*” includes a trade, profession or employment and includes any activity carried on by a body of persons, whether corporate or unincorporate.

(3) In the following provisions of this Part of this Act the expression “*the holding*” , in relation to a tenancy to which this Part of this Act applies, means the property comprised in the tenancy, there being excluded any part thereof which is occupied neither by the tenant nor by a person employed by the tenant and so employed for the purposes of a business by reason of which the tenancy is one to which this Part of this Act applies.

(4) [Subject to subsection (5), where]² the tenant is carrying on a business, in all or any part of the property comprised in a tenancy, in breach of a prohibition (however expressed) of use for business purposes which subsists under the terms of the tenancy and extends to the whole of that property, this Part of this Act shall not apply to the tenancy unless the immediate landlord or his predecessor in title has consented to the breach or the immediate landlord has acquiesced therein. In this subsection the reference to a prohibition of use for business purposes does not include a prohibition of use for the purposes of a specified business, or of use for purposes of any but a specified business, but save as aforesaid includes a prohibition of use for the purposes of some one or more only of the classes of business specified in the definition of that expression in subsection (2) of this section.

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(5) Where the tenant's breach of a prohibition (however expressed) of use for business purposes which subsists under the terms of the tenancy and extends to the whole of that property consists solely of carrying on a home business, this Part of this Act does not apply to the tenancy, even if the immediate landlord or the immediate landlord's predecessor in title has consented to the breach or the immediate landlord has acquiesced in the breach.

(6) In subsection (5) "home business" has the same meaning as in [section 43ZA](#).

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Notes

- 1 Added by Regulatory Reform (Business Tenancies) (England and Wales) Order 2003/3096 [art.13](#) (June 1, 2004)
- 2 Words inserted by Small Business, Enterprise and Employment Act 2015 c. 26 [Pt 2 s.35\(2\)](#) (October 1, 2015 as SI 2015/1710)
- 3 Added by Small Business, Enterprise and Employment Act 2015 c. 26 [Pt 2 s.35\(3\)](#) (October 1, 2015 as SI 2015/1710)

Part II SECURITY OF TENURE FOR BUSINESS, PROFESSIONAL AND OTHER TENANTS > Tenancies to which Part II applies > s. 23 Tenancies to which Part II applies.

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