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REMINDER: NEW RULES ON BUSINESS TENANCIES FROM 1ST JUNE 2004

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From 1st June this year the new Regulatory Reform (Business Tenancies) Order 2003 will take effect. This changes the procedure for renewing and terminating business tenancies, and for excluding tenancies from the protection of the 1954 Landlord and Tenant Act. All concerned should therefore check the new procedures before dealing with any such transactions.

The main changes are as follows:

- A Landlord's Notice stating that the landlord is not opposed to the grant of a new tenancy must set out proposals as to the rent, the property, and terms of the new tenancy.
- The requirement for the tenant to serve a Counter Notice if not willing to give up possession has been abolished.
- Either Landlord or Tenant may apply to the court for an order for a new tenancy. If a Landlord has given notice opposing the grant of a new tenancy he may apply to the court for an order terminating the tenancy
- New and less rigid time limits will apply. An application to the court by either party for a new tenancy must be made on or before the date specified in the Landlord's S25 Notice or Tenant's S26 Request. The parties can agree to extend the time limits for applying to the court before they expire.
- Either Landlord or Tenant may apply for an Interim Rent once proceedings are issued. This will normally be the same as the rent under the new tenancy.
- Applications to the County Court to exclude the provisions of the Act on a grant of a new tenancy or agreement to surrender are no longer required. A Notice in prescribed form must be served 14 days prior to the agreement.

This Newsflash is issued by the Leisure and Property Management Law Group. Should you have any queries please contact **Anne Molyneux, Julia Elson or Carmela Inguanta**, email: annem@sghlaw.com juliae@sghlaw.com carmelai@sghlaw.com or your usual contact at S.G.H on 0207 544 5555.