Guidance Not... ...rity of Tenure

1. Generally speaking, busine... ...security of tenure, i.e. the right to remain in occupation of th... ...ase expires and to apply to court for the grant of a new lease... ...and tenant can agree that security of tenure should be exclude...

2. Before 1 June 2004, a c... ...in order to exclude the security offered to business tenan... ...longer required: instead, a three step procedure must be fol... ...d tenant. The procedure is set out below. A failure to follow th... ...ant acquiring security of tenure.

3. Step 1 – notice

    3.1 The landlord must ... ...ce" to the proposed tenant. This notice contains a "h... ...plains to the proposed tenant the effect of entering int... ...y of tenure.

    3.2 The notice must be ... ...ease is entered into or before the tenant becomes co... ...er into it. So, if there is to be an agreement for leas... ...served before the agreement is entered into.

    3.3 The landlord shoul... ...on the proposed tenant until the terms of the new le... ...and the lease is in its final form. If the notice is served ... ...re all the terms have been agreed, it may not be valid.

4. Step 2 – declaration (simpl...

    4.1 Once the landlord ... ...en to the proposed tenant, the proposed tenant m... ..." declaration or swear a statutory declaration.

    4.2 If the landlord's not... ...days before the lease is granted (or, if applicable, b... ...lease is entered into) the tenant signs the "tenant's s...

    4.3 If the landlord's not... ...4 days before the lease is granted (or, if applicable, b... ...lease is entered into) the tenant swears the "tenant's ... ...efore an independent solicitor, i.e. a solicitor who is n... ...andlord or the tenant in relation to the lease.

    4.4 Both declarations a... ...h and they both confirm that the tenant has received ... ...ntaining the "health warning", that the tenant has read ... ...tenant accepts the consequences of entering into a lea... ...nure.

5. Step 3 – reference in lease...

    5.1 The new lease mu... ...f the landlord's notice, the simple declaration or stat... ...by the tenant and the parties' agreement to exclu... ...ons 24 to 28 of the Act.

    5.2 It is good practice ... ...andlord's notice and the tenant's simple declaration ... ...th the lease.