



Issues in leasehold law

We are aware of a number of issues in the law of landlord and tenant that may be in need of reform. Most relate to commercial leases, although some are more wide-ranging. They include:

- Concerns about the scope of Authorised Guarantee Agreements under the Landlord and Tenant (Covenants) Act 1995, following the Court of Appeal's decision in *K/S Victoria Street v House of Fraser* [2011] EWCA Civ 904, in which the court confirmed that a "direct guarantee" was not permitted under the Act.
- Residual problems with the rule that a lease must have a certain term, in light of the Supreme Court's decision in *Berrisford v Mexfield Housing Co-operative* [2011] UKSC 52.
- Amendment to the security of tenure provisions in Part 2 of the Landlord and Tenant Act 1954 in order to make the procedures more straightforward.

We would be interested in consultees' views as to whether these issues would be suitable for review by the Law Commission (either individually, or as part of a project looking at a range of leasehold issues). In particular, we want to know how far they have significant practical and economic impact. We would also like to hear further suggestions of other areas of leasehold law that require modernisation, simplification or reform.