

12. On the tribunal being satisfied that the information supplied by the applicant warrants the application being fully considered prior to dealing with it, the application should be advertised as directed by the tribunal, allowing not less than fourteen days after publication for persons directly or indirectly affected to submit objections and/or representations in respect of it. Subject to regulations made under this Act, the tribunal may from time to time make rules for regulating its procedure.

13. Provision to be made to enable the tribunal to determine if a new licensee is, in fact, justified on the representation of either—

- (a) The Film Industry Board.
- (b) The administering Department.
- (c) The territorial local authority.
- (d) The Housing Department.

14. New licences should only be issued after consideration of the following matters: Whether—

- (a) A new licence is justified by the considerations involved in the existing regulations. (See Regulation 3 (a) and (b) of the Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937.)
- (b) The theatre is located in town-planning lines so as to provide the best service possible for the residents of the district.
- (c) The theatre be of such seating capacity and design to serve future requirements for a reasonable period and whether its amenities and equipment are adequate for the particular locality.

15. Provision to be made for disputes as between landlord and tenant for a renewal of tenancy to be settled by the licensing tribunal on the lines of the Landlords and Tenants' Act, 1936, in England.

16. Present licensing system to be amended to provide for the issue of permanent licences in lieu of the annual ones now operating.

17. For the purpose of enabling it to carry out its duties and functions, the tribunal should have all the powers of Commission under the Commissions of Inquiry Act, 1908.

SCHEDULE 9—LANDLORDS AND TENANTS ACT, 1927 (ENGLAND)

The head note to the above Act is as follows: "An Act to Provide for the Payment of Compensation for Improvements and Goodwill to Tenants of Premises Used for Business Purposes or the Grant of a new Lease in Lieu Thereof and to Amend the Law of Landlord and Tenant."

The first portion of the Act deals with compensation for improvements or goodwill on the termination of tenancies of business premises.

Under sections 1 and 2, the tenant's right to compensation for improvements is set out. Generally speaking, the tenant is entitled to compensation for improvements effected during the tenancy unless the landlord gives notice that he is willing to give a further lease at such rent and for such term as, failing agreement, the tribunal considers reasonable.

Under section 3, the landlord has certain rights of objection to the making of improvements.

Section 4 provides that the tenant of a holding to which the Act applies shall, if a claim is made in the manner prescribed, be entitled on the termination of his tenancy to be paid by the landlord compensation for goodwill if he proves to the satisfaction of the tribunal that by reason of the carrying-on by him or his predecessors in title at the premises of a trade or business for a period of not less than five years goodwill has become attached to the premises by reason whereof the premises could not be let at a higher rental than they would have realized had no such goodwill attached thereto. There are certain provisos to the general statement in the section. Proviso (b) restricts the tenant's right to compensation if the landlord serves on the tenant notice that he is willing and able to grant the tenant or obtain the granting of the renewal of the tenancy of the premises at such rent and for such term not exceeding fourteen years as, failing agreement, the tribunal may consider reasonable. Subsection (c) provides that "in the case of licensed premises (presumably licensed under the Liquor Act) the sum payable for goodwill under this section shall not include any addition to the value of the premises attributable to the fact that the premises are licensed premises."

Section 5, paragraph (1), of the Act provides that where the tenant alleges that although he would be entitled to compensation under section 4 the sum which could be awarded to him under that section would not compensate him for the loss of goodwill he will suffer if he removes and carries on his trade in other premises, he may in lieu of claiming compensation serve on the landlord a notice requiring a new lease of the premises. Paragraph (2) of the section provides for the matter to be dealt with by the tribunal, which, if it considers the grant of a new tenancy reasonable, may order the grant of a new lease for such period not exceeding fourteen years on such terms as to the tribunal may seem proper.

Section 21 of the Act provides that the tribunal for the purpose of Part I of the Act shall be the County Court, but that under certain conditions any proceedings may be transferred to the High Court.

In a recent number of the *English Law Journal*—page 69 of the issue of 28th January, 1939—a report is given of an address by Mr. F. P. J. Merlin to the Valuers' Association on 19th January. This address dealt with the Act and its work during the last ten years. In the preamble, said Mr. Merlin, the Act was described "as an Act to provide for the compensation for improvements and goodwill to tenants of premises used, &c.," but it was a curious fact that, notwithstanding that its first object was stated to be the provision for the payment to tenants of compensation for improvements in respect