Landlord and Tenant Act 1987

1987 CHAPTER 31

PART I

TENANTS' RIGHTS OF FIRST REFUSAL

Notices served by prospective purchasers

18 Notices served by prospective purchasers to ensure that rights of first refusal do not arise

(1) Where—

(a) any disposal of an estate or interest in any premises consisting of the whole or part of a building is proposed to be made by a landlord, and

(b) it appears to the person who would be the transferee under that disposal ("the purchaser") that any such disposal would, or might, be a relevant disposal affecting premises to which this Part applies.

the purchaser may serve notices under this subsection on the tenants of the flats contained in the premises referred to in paragraph (a) ("the flats affected").

(2) Any notice under subsection (1) shall—

(a) inform the person on whom it is served of the general nature of the principal terms of the proposed disposal, including in particular—

(i) the property to which it would relate and the estate or interest in that property proposed to be disposed of by the landlord, and

(ii) the consideration required by him for making the disposal;

(b) invite that person to serve a notice on the purchaser stating—

(i) whether the landlord has served on him, or on any predecessor in title of his, a notice under section 5 with respect to the disposal, and

(ii) if the landlord has not so served any such notice, whether he is aware of any reason why he is not entitled to be served with any such notice by the landlord, and

(iii) if he is not so aware, whether he would wish to avail himself of the right of first refusal conferred by any such notice if it were served; and

(c) inform that person of the effect of the following provisions of this section.

(3) Where the purchaser has served notices under subsection (1) on at least 80 per cent. of the tenants of the flats affected and—

(a) not more than 50 per cent. of the tenants on whom those notices have been served by the purchaser have served notices on him in pursuance of subsection (2)(b) by the end of the period of 28 days beginning with the date on which the last of them was served by him with a notice under this section, or

(b) more than 50 percent, of the tenants on whom those notices have been served by the purchaser have served notices on him in pursuance of subsection (2)(b) but the notices in each case indicate that the tenant serving it either—

(i) does not regard himself as being entitled to be served by the landlord with a notice under section 5 with respect to the disposal, or

(ii) would not wish to avail himself of the right of first refusal conferred by such a notice if it were served,

the premises affected by the disposal shall, in relation to the disposal, be treated for the purposes of this Part as premises to which this Part does not apply.

(4) For the purposes of subsection (3) each of the flats affected shall be regarded as having one tenant, who shall count towards any of the percentages specified in that subsection whether he is a qualifying tenant of the flat or not.