



# Landlord and Tenant Act 1987

## 1987 CHAPTER 31

### PART I

#### TENANTS' RIGHTS OF FIRST REFUSAL

##### *[<sup>F1</sup> Rights of first refusal]*

##### **[<sup>F15</sup> Landlord required to serve offer notice on tenants.**

- (1) Where the landlord proposes to make a relevant disposal affecting premises to which this Part applies, he shall serve a notice under this section (an “offer notice”) on the qualifying tenants of the flats contained in the premises (the “constituent flats”).
- (2) An offer notice must comply with the requirements of whichever is applicable of the following sections—
  - section 5A (requirements in case of contract to be completed by conveyance, &c.),
  - section 5B (requirements in case of sale at auction),
  - section 5C (requirements in case of grant of option or right of pre-emption),
  - section 5D (requirements in case of conveyance not preceded by contract, &c.);and in the case of a disposal to which section 5E applies (disposal for non-monetary consideration) shall also comply with the requirements of that section.
- (3) Where a landlord proposes to effect a transaction involving the disposal of an estate or interest in more than one building (whether or not involving the same estate or interest), he shall, for the purpose of complying with this section, sever the transaction so as to deal with each building separately.
- (4) If, as a result of the offer notice being served on different tenants on different dates, the period specified in the notice as the period for accepting the offer would end on different dates, the notice shall have effect in relation to all the qualifying tenants on whom it is served as if it provided for that period to end with the latest of those dates.

**Changes to legislation:** Landlord and Tenant Act 1987, Section 5 is up to date with all changes known to be in force on or before 29 October 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) A landlord who has not served an offer notice on all of the qualifying tenants on whom it was required to be served shall nevertheless be treated as having complied with this section—
- (a) if he has served an offer notice on not less than 90% of the qualifying tenants on whom such a notice was required to be served, or
  - (b) where the qualifying tenants on whom it was required to be served number less than ten, if he has served such a notice on all but one of them.]

**Annotations:**

**Amendments (Textual)**

**F1** Ss. 5  
 ,  
 5A-5E  
 ,  
 6  
 ,  
 7  
 ,  
 8  
 ,  
 8A-8E  
 ,  
 9A  
 ,  
 9B  
 ,  
 10  
 and crossheading substituted for ss. 5-10 (1.10.1996) by  
 1996 c. 52  
 ,  
 s. 92(1)  
 ,  
**Sch. 6 Pt. I**  
 ;  
 S.I. 1996/2212  
 ,  
**art. 2(2)**  
 (with  
 Sch.  
 )

**Modifications etc. (not altering text)**

**C1** S. 5  
 modified (30.9.2003 for E., 30.3.2004 for W.) by  
 Commonhold and Leasehold Reform Act 2002 (c. 15)  
 ,  
 s. 181(1)  
 ,  
**Sch. 7 para. 7**  
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S.I. 2003/1986

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art. 2(a)

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S.I. 2004/669

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art. 2(a)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(2)(abb) inserted by  
2002 c. 15  
Sch. 10  
para. 14