



Landlord and Tenant Act 1988

1988 CHAPTER 26

3 Qualified duty to approve consent by another

- (1) This section applies in any case where—
 - (a) a tenancy includes a covenant on the part of the tenant not without the approval of the landlord to consent to the sub-tenant—
 - (i) assigning,
 - (ii) underletting,
 - (iii) charging, or
 - (iv) parting with the possession of,the premises comprised in the sub-tenancy or any part of the premises, but
 - (b) the covenant is subject to the qualification that the approval is not to be unreasonably withheld (whether or not it is also subject to any other qualification).
- (2) Where there is served on the landlord a written application by the tenant for approval or a copy of a written application to the tenant by the sub-tenant for consent to a transaction to which the covenant relates the landlord owes a duty to the sub-tenant within a reasonable time—
 - (a) to give approval, except in a case where it is reasonable not to give approval,
 - (b) to serve on the tenant and the sub-tenant written notice of his decision whether or not to give approval specifying in addition—
 - (i) if approval is given subject to conditions, the conditions,
 - (ii) if approval is withheld, the reasons for withholding it.
- (3) Giving approval subject to any condition that is not a reasonable condition does not satisfy the duty under subsection (2)(a) above.
- (4) For the purposes of this section it is reasonable for the landlord not to give approval only in a case where, if he withheld approval and the tenant gave his consent, the tenant would be in breach of covenant.
- (5) It is for a landlord who owed any duty under subsection (2) above—

Status: This is the original version (as it was originally enacted).

- (a) if he gave approval and the question arises whether he gave it within a reasonable time, to show that he did,
 - (b) if he gave approval subject to any condition and the question arises whether the condition was a reasonable condition, to show that it was,
 - (c) if he did not give approval and the question arises whether it was reasonable for him not to do so, to show that it was reasonable,
- and, if the question arises whether he served notice under that subsection within a reasonable time, to show that he did.