



Landlord and Tenant Act 1987

1987 CHAPTER 31

PART I

TENANTS' RIGHTS OF FIRST REFUSAL

Supplementary

VALID FROM 01/10/1996

[^{F1}18A The requisite majority of qualifying tenants.

- (1) In this Part “the requisite majority of qualifying tenants of the constituent flats” means qualifying tenants of constituent flats with more than 50 per cent. of the available votes.
- (2) The total number of available votes shall be determined as follows—
 - (a) where an offer notice has been served under section 5, that number is equal to the total number of constituent flats let to qualifying tenants on the date when the period specified in that notice as the period for accepting the offer expires;
 - (b) where a notice is served under section 11A without a notice having been previously served under section 5, that number is equal to the total number of constituent flats let to qualifying tenants on the date of service of the notice under section 11A;
 - (c) where a notice is served under section 12A, 12B or 12C without a notice having been previously served under section 5 or section 11A, that number is equal to the total number of constituent flats let to qualifying tenants on the date of service of the notice under section 12A, 12B or 12C, as the case may be.
- (3) There is one available vote in respect of each of the flats so let on the date referred to in the relevant paragraph of subsection (2), which shall be attributed to the qualifying tenant to whom it is let.

Status: Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Landlord and Tenant Act 1987, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 10 May 2024. 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)

- (4) The persons constituting the requisite majority of qualifying tenants for one purpose may be different from the persons constituting such a majority for another purpose.]

Textual Amendments

- F1** S. 18A inserted (1.10.1996) by 1996 c. 52, s. 92(1), **Sch. 6 Pt. IV para. 2**; S.I. 1996/2212, **art. 2(2)** (with **Sch.**)

19 Enforcement of obligations under Part I.

- (1) The court may, on the application of any person interested, make an order requiring any person who has made default in complying with any duty imposed on him by any provision of this Part to make good the default within such time as is specified in the order.
- (2) An application shall not be made under subsection (1) unless—
- a notice has been previously served on the person in question requiring him to make good the default, and
 - more than 14 days have elapsed since the date of service of that notice without his having done so.
- (3) The restriction imposed by section 1(1) may be enforced by an injunction granted by the court.

20 Construction of Part I and power of Secretary of State to prescribe modifications.

- (1) In this Part—
- “acceptance notice” means a notice served on a landlord in pursuance of section 6(1)(b);
- “associated company”, in relation to a body corporate, means another body corporate which is (within the meaning of section 736 of the ^{M1}Companies Act 1985) that body’s holding company, a subsidiary of that body or another subsidiary of that body’s holding company;
- “constituent flat” shall be construed in accordance with section 5(8);
- “disposal” has the meaning given by section 4(3), and references to the acquisition of an estate or interest shall be construed accordingly;
- “landlord”, in relation to any premises, shall be construed in accordance with section 2;
- “the new landlord” means any such transferee under a relevant disposal as is mentioned in section 11(1);
- “offer notice” means a notice served by a landlord under section 5;
- “the original disposal” means the relevant disposal referred to in section 11(1);
- “the protected interest” means (subject to section 9(9)) any such estate or interest in any property as is specified in an offer notice in pursuance of section 5(2)(a);
- “purchase notice” means a notice served on a new landlord in pursuance of section 12(1);

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“qualifying tenant”, in relation to a flat, shall be construed in accordance with section 3;

“relevant disposal” shall be construed in accordance with section 4;

“the requisite majority”, in relation to qualifying tenants, shall be construed in accordance with section 5(6) and (7);

“transferee”, in relation to a disposal, shall be construed in accordance with section 4(3).

(2) In this Part—

- (a) any reference to an offer or counter-offer is a reference to an offer or counter-offer made subject to contract, and
- (b) any reference to the acceptance of an offer or counter-offer is a reference to its acceptance subject to contract.

(3) Any reference in this Part to a tenant of a particular description shall be construed, in relation to any time when the interest under his tenancy has ceased to be vested in him, as a reference to the person who is for the time being the successor in title to that interest.

(4) The Secretary of State may by regulations make such modifications of any of the provisions of sections 5 to 18 as he considers appropriate, and any such regulations may contain such incidental, supplemental or transitional provisions as he considers appropriate in connection with the regulations.

(5) In subsection (4) “modifications” includes additions, omissions and alterations.

Marginal Citations

M1 1985 c. 6.

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