



# Landlord and Tenant Act 1987

## 1987 CHAPTER 31

### PART I

#### TENANTS' RIGHTS OF FIRST REFUSAL

##### *Preliminary*

#### 4 Relevant disposals.

- (1) In this Part references to a relevant disposal affecting any premises to which this Part applies are references to the disposal by the landlord of any estate or interest (whether legal or equitable) in any such premises, including the disposal of any such estate or interest in any common parts of any such premises but excluding—
- (a) the grant of any tenancy under which the demised premises consist of a single flat (whether with or without any appurtenant premises); and
  - (b) any of the disposals falling within subsection (2).

[<sup>F1</sup>(1A) Where an estate or interest of the landlord has been mortgaged, the reference in subsection (1) above to the disposal of an estate or interest by the landlord includes a reference to its disposal by the mortgagee in exercise of a power of sale or leasing, whether or not the disposal is made in the name of the landlord; and, in relation to such a proposed disposal by the mortgagee, any reference in the following provisions of this Part to the landlord shall be construed as a reference to the mortgagee.]

- (2) The disposals referred to in subsection (1)(b) are—
- (a) a disposal of—
    - (i) any interest of a beneficiary in settled land within the meaning of the <sup>M1</sup>Settled Land Act 1925, [<sup>F2</sup>or]
    - <sup>F2</sup>(ii) .....
    - (iii) any incorporeal hereditament;
  - [<sup>F2</sup>(aa) a disposal <sup>F3</sup> . . . by way of security for a loan]
  - (b) a disposal to a trustee in bankruptcy or to the liquidator of a company;
  - [<sup>F4</sup>(c) a disposal in pursuance of an order made under—

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- (i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
- (ii) section 24A of the Matrimonial Causes Act 1973 (orders for the sale of property in connection with matrimonial proceedings) where the order includes provision requiring the property concerned to be offered for sale to a person or class of persons specified in the order,
- (iii) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),
- (iv) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.),
- (v) section 17(2) of the Matrimonial and Family Proceedings Act 1984 (orders for the sale of property after overseas divorce, &c.) where the order includes provision requiring the property concerned to be offered for sale to a person or class of persons specified in the order,<sup>F5</sup>  
 ...
- (vi) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);]
- [<sup>F6</sup>(vii) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of a civil partnership, etc.), or
- (viii) Part 3 of Schedule 5, or paragraph 9(4) of Schedule 7, to the Civil Partnership Act 2004 (orders for the sale of property in connection with civil partnership proceedings or after overseas dissolution of a civil partnership, etc.) where the order includes provision requiring the property concerned to be offered for sale to a person or class of persons specified in the order;]
- (d) a disposal in pursuance of a compulsory purchase order or in pursuance of an agreement entered into in circumstances where, but for the agreement, such an order would have been made or (as the case may be) carried into effect;
- [<sup>F7</sup>(da) a disposal of any freehold or leasehold interest in pursuance of Chapter I of Part I of the Leasehold Reform, Housing and Urban Development Act 1993;]
- (e) a disposal by way of gift to a member of the landlord's family or to a charity;
- (f) a disposal by one charity to another of an estate or interest in land which prior to the disposal is functional land of the first-mentioned charity and which is intended to be functional land of the other charity once the disposal is made;
- (g) a disposal consisting of the transfer of an estate or interest held on trust for any person where the disposal is made in connection with the appointment of a new trustee or in connection with the discharge of any trustee;
- (h) a disposal consisting of a transfer by two or more persons who are members of the same family either—
  - (i) to fewer of their number, or
  - (ii) to a different combination of members of the family (but one that includes at least one of the transferors);
- [<sup>F8</sup>(i) a disposal in pursuance of a contract, option or right of pre-emption binding on the landlord (except as provided by section 8D (application of sections 11 to 17 to disposal in pursuance of option or right of pre-emption));]
- (j) a disposal consisting of the surrender of a tenancy in pursuance of any covenant, condition or agreement contained in it;
- (k) a disposal to the Crown; and

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- [<sup>F9</sup>(l) a disposal by a body corporate to a company which has been an associated company of that body for at least two years.]
- (3) In this Part “disposal” means a disposal whether by the creation or the transfer of an estate or interest and—
- (a) includes the surrender of a tenancy and the grant of an option or right of pre-emption, but
  - (b) excludes a disposal under the terms of a will or under the law relating to intestacy;
- and references in this Part to the transferee in connection with a disposal shall be construed accordingly.
- (4) In this section “appurtenant premises”, in relation to any flat, means any yard, garden, outhouse or appurtenance (not being a common part of the building containing the flat) which belongs to, or is usually enjoyed with, the flat.
- (5) A person is a member of another’s family for the purposes of this section if—
- (a) that person is the spouse [<sup>F10</sup>or civil partner] of that other person, or the two of them live together as husband and wife [<sup>F11</sup>or as if they were civil partners], or
  - (b) that person is that other person’s parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- (6) For the purposes of subsection (5)(b)—
- (a) a relationship by marriage [<sup>F12</sup>or civil partnership] shall be treated as a relationship by blood,
  - (b) a relationship of the half-blood shall be treated as a relationship of the whole blood,
  - (c) the stepchild of a person shall be treated as his child, and
  - (d) an illegitimate child shall be treated as the legitimate child of his mother and reputed father.

#### Textual Amendments

- F1** S. 4(1A) inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 119, [Sch. 13 para. 3\(1\)](#)
- F2** Word "or" inserted, sub-paragraph (ii) omitted and paragraph (aa) inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 119, [Sch. 13 para. 3\(2\)](#)
- F3** Words in s. 4(2)(aa) repealed (1.10.1996) by [1996 c. 52, ss. 92\(1\), 227, Sch. 6 Pt. IV para. 1, Sch. 19 Pt. III; S.I. 1996/2212, art. 2\(2\)](#) (with Sch.)
- F4** S. 4(2)(c) substituted (1.10.1996) by [1996 c. 52, s. 222, Sch. 18 Pt. III para. 18; S.I. 1996/2402, art. 3](#)
- F5** Word in s. 4(2)(c)(v) repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b)(d), [Sch. 30; S.I. 2005/3175, art. 2\(6\)](#)
- F6** S. 4(2)(c)(vii)(viii) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), [Sch. 8 para. 40\(2\); S.I. 2005/3175, art. 2\(1\), Sch. 1](#)
- F7** S. 4(2)(da) inserted (1.11.1993) by [1993 c. 28, s. 187\(1\), Sch. 21 para. 26; S.I. 1993/2134, arts. 2, 5](#)
- F8** S. 4(2)(i) substituted (1.10.1996) by [1996 c. 52, s. 89\(2\); S.I. 1996/2212, art. 2\(2\)](#) (with Sch.)
- F9** S. 4(2)(l) substituted (1.10.1996 with effect as mentioned in s. 90(2) of the amending Act) by [1996 c. 52, s. 90\(1\); S.I. 1996/2212, art. 2\(2\)](#) (with Sch.)
- F10** Words in s. 4(5)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), [Sch. 8 para. 40\(3\)\(a\); S.I. 2005/3175, art. 2\(1\), Sch. 1](#)
- F11** Words in s. 4(5)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), [Sch. 8 para. 40\(3\)\(b\); S.I. 2005/3175, art. 2\(1\), Sch. 1](#)

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**F12** Words in s. 4(6)(a) inserted (5.12.2005) by **Civil Partnership Act 2004 (c. 33)**, s. 263(2), **Sch. 8 para. 40(4)**; S.I. 2005/3175, art. 2(1), Sch. 1

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

- C1** S. 4 excluded (coming into force in accordance with s. 3(2) of the excluding Act) by **1994 c. xiv, s. 9(1)**  
S. 4 excluded (coming into force in accordance with s. 5(2) of the excluding Act) by **1996 c. ii, s. 11(1)**  
S. 4 excluded (coming into force in accordance with s. 3 of the excluding Act) by **1998 c. v, s. 13(1)(a)**  
S. 4 excluded (coming into force in accordance with s. 3 of the excluding Act) by **1999 c. iv, s. 13(1)(a)**  
S. 4 excluded (coming into force in accordance with s. 3 of the excluding Act) by **2000 c. iii, s. 14(a)** (with s. 16)  
S. 4 excluded (coming into force in accordance with s. 3 of the excluding Act) by **2001 c. i, s. 11(a)** (with s. 13)  
S. 4 excluded (coming into force in accordance with s. 3 of the excluding Act) by **2001 c. v, s. 15(1)(a)**  
S. 4 excluded by **2002 c. iii, s. 14(1)(a)**  
S. 4 excluded by **2002 c. iv, s. 14(1)(a)**

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**Marginal Citations**

- M1** 1925 c. 18.

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