



# Landlord and Tenant Act 1987

## 1987 CHAPTER 31

### PART I E+W

#### TENANTS' RIGHTS OF FIRST REFUSAL

##### *Preliminary*

### 3 Qualifying tenants. E+W

- (1) Subject to the following provisions of this section, a person is for the purposes of this Part a qualifying tenant of a flat if he is the tenant of the flat under a tenancy other than—
- (a) a protected shorthold tenancy as defined in section 52 of the <sup>M1</sup>Housing Act 1980;
  - (b) a tenancy to which Part II of the <sup>M2</sup>Landlord and Tenant Act 1954 (business tenancies) applies; . . . <sup>F1</sup>
  - (c) a tenancy terminable on the cessation of his employment [<sup>F2</sup>[<sup>F3</sup>;]
  - (d) an assured tenancy or assured agricultural occupancy within the meaning of Part I of the Housing Act 1988[<sup>F4</sup>; ]
  - [<sup>F5</sup>(e) an occupation contract that immediately before the appointed day was an assured agricultural occupancy within the meaning of Part 1 of the Housing Act 1988 (c. 50); or
  - (f) a tenancy—
    - (i) which is a secure contract, and
    - (ii) in relation to which, the landlord is not a local authority.]
- (2) A person is not to be regarded as being a qualifying tenant of any flat contained in any particular premises consisting of the whole or part of a building if [<sup>F6</sup>by virtue of one or more tenancies none of which falls within paragraphs (a) to (d) of subsection (1), he is the tenant not only of the flat in question but also of at least two other flats contained in those premises].

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*Changes to legislation: Landlord and Tenant Act 1987, Section 3 is up to date with all changes known to be in force on or before 27 June 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) View outstanding changes*

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- (3) For the purposes of subsection [F7(2)] any tenant of a flat contained in the premises in question who is a body corporate shall be treated as the tenant of any other flat so contained and let to an associated company.
- (4) A tenant of a flat whose landlord is a qualifying tenant of that flat is not to be regarded as being a qualifying tenant of that flat.
- [F8(5) In this section, the following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—
- “appointed day” (see section 242 of that Act);
- “secure contract” (see section 8 of that Act).]

#### Textual Amendments

- F1** Word repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), ss. 119, 140, [Sch. 13 para. 2\(1\)](#), **Sch. 18**
- F2** [S. 3\(1\)\(d\)](#) and the word “or” immediately preceding it added by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 119, **Sch. 13 para. 2(1)**
- F3** Word in [s. 3\(1\)\(c\)](#) substituted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **15(2)(a)(i)**
- F4** [S. 3\(1\)\(d\)](#): semicolon substituted for full stop (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **15(2)(a)(ii)**
- F5** [S. 3\(1\)\(e\)\(f\)](#) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **15(2)(a)(iii)**
- F6** Words substituted for paragraphs (a) and (b) by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 119, **Sch. 13 para. 2(2)**
- F7** “(2)” substituted for “(2)(b)” by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 119, **Sch. 13 para. 2(2)**
- F8** [S. 3\(5\)](#) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **15(2)(b)**

#### Marginal Citations

- M1** 1980 c. 51.
- M2** 1954 c. 56.

**Changes to legislation:**

Landlord and Tenant Act 1987, Section 3 is up to date with all changes known to be in force on or before 27 June 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.

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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](#)