
Changes to legislation: Housing Act 1988, Cross Heading: Exempted disposals is up to date with all changes known to be in force on or before 20 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

SCHEDULES

SCHEDULE 11 E+W

PROVISIONS APPLICABLE TO CERTAIN DISPOSALS OF HOUSES

Exempted disposals

- 4 (1) A disposal is an exempted disposal for the purposes of this Schedule if—
- (a) it is a disposal of the whole of the house and a conveyance of the freehold or an assignment of the lease and the person or each of the persons to whom it is made is a qualifying person (as defined in sub-paragraph (2) below);
 - (b) it is a vesting of the whole of the house in a person taking under a will or on an intestacy;
 - [^{F1}(c) it is a disposal of the whole of the house in pursuance of an such order as is mentioned in sub-paragraph (4) below;]
 - (d) it is a compulsory disposal; or
 - (e) the property disposed of is property included with the house as being such a yard, garden, outhouse or appurtenance as is referred to in section 92(1)(b) of this Act.
- (2) For the purposes of sub-paragraph (1)(a) above, a person is a qualifying person in relation to a disposal if—
- (a) he is the person or one of the persons by whom the disposal is made;
 - (b) he is the spouse or a former spouse [^{F2}, or the civil partner or a former civil partner,] of that person or one of those persons; or
 - (c) he is a member of the family of that person or one of those persons and has resided with him throughout the period of twelve months ending with the disposal.
- (3) Section 186 of the ^{M1}Housing Act 1985 applies to determine whether a person is a member of another person's family for the purposes of sub-paragraph (2)(c) above.
- [^{F3}(4) The orders referred to in sub-paragraph (1)(c) above are orders under—
- (a) section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings),
 - (b) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),
 - (c) section 17 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, &c.),^{F4} . . .
 - (d) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents) [^{F5}, or]
 - [^{F5}(e) Part 2 or 3 of Schedule 5, or paragraph 9 of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders, or orders for the sale of

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property, in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).]]

Textual Amendments

- F1** Sch. 11 para. 4(1)(c) substituted (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. III para. 19(2)**; S.I. 1996/2402, **art. 3** (subject to transitional provisions in Sch.)
- F2** Words in Sch. 11 para. 4(2)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 81, 263, {Sch. 8 para. 45(1)(2)}; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F3** Sch 11 para. 4(4) added (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. III para. 19(3)**; S.I. 1996/2402, **art. 3** (subject to transitional provisions in Sch.)
- F4** Words in Sch. 11 para. 4(4) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 81, 261(4), **Sch. 30**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F5** Sch. 11 para. 4(4)(e) and word inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 81, 263, **Sch. 8 para. 45(1)(3)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

Marginal Citations

- M1** 1985 c. 68.

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

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

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)