



Housing Act 1988

1988 CHAPTER 50

PART IV

CHANGE OF LANDLORD: SECURE TENANTS

Preliminary

95 Property excluded from right

- (1) A building shall be excluded from an acquisition under this Part if on the relevant date—
 - (a) any part or parts of the building is or are occupied or intended to be occupied otherwise than for residential purposes; and
 - (b) the internal floor area of that part or those parts (taken together) exceeds 50 per cent. of the internal floor area of the building (taken as a whole);and for the purposes of this subsection the internal floor area of any common parts or common facilities shall be disregarded.
- (2) In the application of subsection (1) above to property falling within section 93(1)(b) above, a building or part of a building which, apart from this subsection, would not be regarded as occupied for residential purposes shall be so regarded if—
 - (a) it is or is intended to be occupied together with a dwelling-house and used for purposes connected with the occupation of the dwelling-house; or
 - (b) it is or is intended to be used for the provision of services to a dwelling-house which is comprised in a building falling within section 93(1)(a) above.
- (3) A building shall be excluded from an acquisition under this Part if—
 - (a) it contains two or more dwelling-houses which on the relevant date are occupied by secure tenants who are not qualifying tenants; and
 - (b) the number of dwelling-houses which on that date are occupied by such tenants exceeds 50 per cent. of the total number of dwelling-houses in the building.

Status: This is the original version (as it was originally enacted).

- (4) A dwelling-house shall be excluded from an acquisition under this Part if it is a house and it is occupied on the relevant date by—
 - (a) a secure tenant who is precluded from being a qualifying tenant by section 93(4)(b) above; or
 - (b) a tenant who is not a secure tenant.
- (5) A building or other property shall be excluded from an acquisition under this Part if—
 - (a) it was specified in some other application made under section 96 below made before the relevant date; and
 - (b) that other application has not been disposed of.
- (6) Except to the extent that it comprises or is let together with a dwelling-house, property shall be excluded from an acquisition under this Part if it is land held—
 - (a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
 - (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds).
- (7) The Secretary of State may by order substitute for the percentage for the time being specified in subsection (1)(b) above such other percentage as is specified in the order.