



Housing Act 1988

1988 CHAPTER 50

PART IV

CHANGE OF LANDLORD: SECURE TENANTS

Initial procedures

98 Determination of property to be included

- (1) Within twelve weeks of the relevant date, the landlord shall serve on the applicant a notice stating—
- (a) which (if any) of the buildings proposed to be acquired by virtue of paragraph (a) of subsection (1) of section 93 above should be excluded from the acquisition on the ground that they do not comprise or contain one or more dwelling-houses which on the relevant date were occupied by qualifying tenants;
 - (b) which (if any) property proposed to be acquired by virtue of paragraph (b) of that subsection should be excluded from the acquisition on the ground that it is not reasonably required for occupation with any of the buildings proposed to be acquired by virtue of paragraph (a) of that subsection or that it is reasonably required for occupation with such of those buildings as should be excluded from the acquisition on the ground mentioned in paragraph (a) above;
 - (c) which (if any) property proposed to be acquired by virtue of either paragraph of that subsection should be excluded from the acquisition on the ground that its inclusion is precluded by section 95 above or that it is reasonably required for occupation with property the inclusion of which is so precluded or that it is a building which is excluded from the acquisition by virtue of section 96(2) (b) above;
 - (d) which property (if any) the landlord desires to have included in the acquisition on the ground that it cannot otherwise be reasonably managed or maintained;
 - (e) which rights (if any) the landlord desires to retain over property included in the acquisition on the ground that they are necessary for the proper management or maintenance of land to be retained by the landlord;

Status: This is the original version (as it was originally enacted).

- (f) the other proposed terms of the conveyance; and
 - (g) such other particulars as may be prescribed.
- (2) A building which is excluded from an acquisition by virtue of section 95 or section 96(2)(b) above may not be included by virtue of subsection (1)(d) above.
- (3) Where a notice under subsection (1) above specifies property falling within paragraph (d) of that subsection, the applicant shall have a right of access, at any reasonable time and on giving reasonable notice, to any of that property which is not subject to a tenancy.
- (4) Within four weeks of service of the notice under subsection (1) above, the applicant shall notify the landlord in writing of any matters stated in that notice which he does not accept.
- (5) Any dispute as to any matters stated in a notice under subsection (1) above shall be determined—
- (a) by a person agreed to by the parties or, in default of agreement, appointed by the Secretary of State; and
 - (b) in accordance with such provisions (including provisions as to costs) as may be prescribed.
- (6) In relation to a proposed acquisition under this Part, any reference in the following provisions of this Part to the property to which the acquisition relates is a reference to the whole of the property which, in accordance with the provisions of this section, is to be acquired, disregarding the effect of any exclusion by virtue of regulations under section 100 below.