

*These notes refer to the Housing Act 2004 (c.34) which received Royal Assent on Thursday 18 November 2004*

# **HOUSING ACT 2004**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 5 - Home Information Packs**

##### ***Section 160: Residential properties not available with vacant possession***

350. Where a residential property is not available for sale with vacant possession, the duties set out in sections 155 to 159 will not apply. A property that is being sold subject to a tenancy does not therefore have to be marketed with a home information pack. For the purpose of the Act, a property is presumed to be available with vacant possession unless the manner in which it is being marketed suggests differently.
351. Subsection (2) provides that any residential property marketed will be assumed to be available with vacant possession, and therefore subject to the home information pack duties, unless the manner in which the property is marketed makes it clear that it is not.