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**Changes to legislation:** Equality Act 2010, Cross Heading: Small premises is up to date with all changes known to be in force on or before 23 April 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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## SCHEDULES

### SCHEDULE 5 E+W+S

#### PREMISES: EXCEPTIONS

##### *Small premises*

- 3 (1) This paragraph applies to anything done by a person in relation to the disposal, occupation or management of part of small premises if—
- (a) the person or a relative of that person resides, and intends to continue to reside, in another part of the premises, and
  - (b) the premises include parts (other than storage areas and means of access) shared with residents of the premises who are not members of the same household as the resident mentioned in paragraph (a).
- (2) Sections 33(1), 34(1) and 35(1) apply only in so far as they relate to race.
- (3) Premises are small if—
- (a) the only other persons occupying the accommodation occupied by the resident mentioned in sub-paragraph (1)(a) are members of the same household,
  - (b) the premises also include accommodation for at least one other household,
  - (c) the accommodation for each of those other households is let, or available for letting, on a separate tenancy or similar agreement, and
  - (d) the premises are not normally sufficient to accommodate more than two other households.
- (4) Premises are also small if they are not normally sufficient to provide residential accommodation for more than six persons (in addition to the resident mentioned in sub-paragraph (1)(a) and members of the same household).
- (5) In this paragraph, “relative” means—
- (a) spouse or civil partner,
  - (b) unmarried partner,
  - (c) parent or grandparent,
  - (d) child or grandchild (whether or not legitimate),
  - (e) the spouse, civil partner or unmarried partner of a child or grandchild,
  - (f) brother or sister (whether of full blood or half-blood), or
  - (g) a relative within paragraph (c), (d), (e) or (f) whose relationship arises as a result of marriage or civil partnership.
- (6) In sub-paragraph (5), a reference to an unmarried partner is a reference to the other member of a couple consisting [<sup>F1</sup>of two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.]

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#### Textual Amendments

**F1** Words in [Sch. 5 para. 3\(6\)](#) substituted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), [Sch. 3 para. 32\(4\)](#)

- 4 (1) Section 36(1) does not apply if—
- (a) the premises in question are small premises,
  - (b) the relevant person or a relative of that person resides, and intends to continue to reside, in another part of the premises, and
  - (c) the premises include parts (other than storage areas and means of access) shared with residents of the premises who are not members of the same household as the resident mentioned in paragraph (b).
- (2) The relevant person is the person who, for the purposes of section 36(1), is—
- (a) the controller of the premises, or
  - (b) the responsible person in relation to the common parts to which the premises relate.
- (3) “Small premises” and “relative” have the same meaning as in paragraph 3.
- 5 A Minister of the Crown may by order amend paragraph 3 or 4.

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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. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)