



# Deregulation Act 2015

## 2015 CHAPTER 20

### *Housing and development*

#### **34 Further exemptions to section 33**

- (1) Subsections (1) and (2) of section 33 do not apply where the condition of the dwelling-house or common parts that gave rise to the service of the relevant notice is due to a breach by the tenant of—
  - (a) the duty to use the dwelling-house in a tenant-like manner, or
  - (b) an express term of the tenancy to the same effect.
- (2) Subsections (1) and (2) of section 33 do not apply where at the time the section 21 notice is given the dwelling-house is genuinely on the market for sale.
- (3) For the purposes of subsection (2), a dwelling-house is not genuinely on the market for sale if, in particular, the landlord intends to sell the landlord's interest in the dwelling-house to—
  - (a) a person associated with the landlord,
  - (b) a business partner of the landlord,
  - (c) a person associated with a business partner of the landlord, or
  - (d) a business partner of a person associated with the landlord.
- (4) In subsection (3), references to a person who is associated with another person are to be read in accordance with section 178 of the Housing Act 1996.
- (5) For the purposes of subsection (3), a business partner of a person (“P”) is a person who is—
  - (a) a director, secretary or other officer of a company of which P is also a director, secretary or other officer,
  - (b) a director, secretary or other officer of a company in which P has a shareholding or other financial interest,
  - (c) a person who has a shareholding or other financial interest in a company of which P is a director, secretary or other officer,
  - (d) an employee of P,

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*Changes to legislation: Deregulation Act 2015, Section 34 is up to date with all changes known to be in force on or before 03 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*

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- (e) a person by whom P is employed, or
  - (f) a partner of a partnership of which P is also a partner.
- (6) Subsections (1) and (2) of section 33 do not apply where the landlord is a private registered provider of social housing.
- (7) Subsections (1) and (2) of section 33 do not apply where—
- (a) the dwelling-house is subject to a mortgage granted before the beginning of the tenancy,
  - (b) the mortgagee is entitled to exercise a power of sale conferred on the mortgagee by the mortgage or by section 101 of the Law of Property Act 1925, and
  - (c) at the time the section 21 notice is given the mortgagee requires possession of the dwelling-house for the purpose of disposing of it with vacant possession in exercise of that power.
- (8) In subsection (7)—
- (a) “mortgage” includes a charge, and
  - (b) “mortgagee” includes a receiver appointed by the mortgagee under the terms of the mortgage or in accordance with the Law of Property Act 1925.

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**Commencement Information**

**II** S. 34 in force at 1.10.2015 by S.I. 2015/994, art. 11(h)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2015/994 art. 13 Sch. by [S.I. 2015/1405 art. 2\(3\)](#)

**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. 110A inserted by [2016 c. 12 s. 16\(1\)](#)