



# Housing Act 1988

## 1988 CHAPTER 50

### PART IV

#### CHANGE OF LANDLORD: SECURE TENANTS

##### *Special cases*

#### **100 Tenants continuing as tenants of landlord.**

- (1) The Secretary of State shall make regulations imposing the following requirements in relation to any acquisition under this Part, namely—
  - (a) that any dwelling-house which is a house and is occupied by a tenant to whom subsection (2) below applies shall be excluded from the acquisition; and
  - (b) that a lease of any dwelling-house which is a flat and is occupied by a tenant to whom subsection (2) below applies or by a tenant of a description prescribed for the purposes of this paragraph shall be granted by the applicant to the landlord immediately after the acquisition.
- (2) This subsection applies—
  - (a) to any qualifying tenant whose tenancy commenced before the relevant date, and
  - (b) to any tenant of a description prescribed for the purposes of this subsection, being, in either case, a tenant who, before the end of the period mentioned in section 102 below and in response to the consultation under that section, gives notice as mentioned in section 103(2) below of his wish to continue as a tenant of the landlord.
- (3) If, by virtue of regulations under this section, any houses fall to be excluded from the acquisition—
  - (a) there shall be determined the sum (in this subsection referred to as “the sum referable to excluded houses”) which represents that proportion of the amount attributable to houses which the number of habitable rooms in the houses which fall to be so excluded bears to the number of habitable rooms in all of the houses comprised in the property to which the acquisition relates; and

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: Housing Act 1988, Section 100 is up to date with all changes known to be in force on or before 27 May 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)*

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- (b) if the amount attributable to houses is a price, the sum referable to excluded houses shall be applied as a deduction from any price payable for the property to be acquired, as determined under section 99 above, and as an increase in any disposal cost attributable to that property; and
  - (c) if the amount attributable to houses is a disposal cost, the sum referable to excluded houses shall be applied as an increase in any price payable for the property to be acquired, as determined under section 99 above, and as a deduction from any disposal cost attributable to that property.
- (4) In section 99(1)(ii) and subsection (3) above, “the amount attributable to houses”, in relation to an acquisition under this Part, means,—
- (a) if the property to which the acquisition relates consists of dwelling-houses which are houses and no other property, the price or, as the case may be, disposal cost specified in accordance with section 99(1)(i) above; and
  - (b) in any other case, the price or disposal cost which, under subsection (2) or subsection (3) of section 99 above, would be payable for, or attributable to, the property to which the acquisition relates if there were excluded from that property all property other than dwelling-houses which are houses.

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:**

Housing Act 1988, Section 100 is up to date with all changes known to be in force on or before 27 May 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.