



# Housing Act 2004

## 2004 CHAPTER 34

### PART 3

#### SELECTIVE LICENSING OF OTHER RESIDENTIAL ACCOMMODATION

##### *Grant or refusal of licences*

#### **88 Grant or refusal of licence**

- (1) Where an application in respect of a house is made to the local housing authority under section 87, the authority must either—
  - (a) grant a licence in accordance with subsection (2), or
  - (b) refuse to grant a licence.
- (2) If the authority are satisfied as to the matters mentioned in subsection (3), they may grant a licence either—
  - (a) to the applicant, or
  - (b) to some other person, if both he and the applicant agree.
- (3) The matters are—
  - (a) that the proposed licence holder—
    - (i) is a fit and proper person to be the licence holder, and
    - (ii) is, out of all the persons reasonably available to be the licence holder in respect of the house, the most appropriate person to be the licence holder;
  - [<sup>F1</sup>(aa) that no banning order under section 16 of the Housing and Planning Act 2016 is in force against a person who—
    - (i) owns an estate or interest in the house or part of it, and
    - (ii) is a lessor or licensor of the house or part;]
    - (b) that the proposed manager of the house is either—
      - (i) the person having control of the house, or

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*Changes to legislation: Housing Act 2004, Section 88 is up to date with all changes known to be in force on or before 27 May 2023. 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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- (ii) a person who is an agent or employee of the person having control of the house;
  - (c) that the proposed manager of the house is a fit and proper person to be the manager of the house; and
  - (d) that the proposed management arrangements for the house are otherwise satisfactory.
- (4) Section 89 applies for the purposes of this section.

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#### **Textual Amendments**

- F1** S. 88(3)(aa) inserted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 2 para. 7](#); [S.I. 2018/393](#), reg. 2(b)

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#### **Commencement Information**

- II** S. 88 wholly in force at 16.6.2006; s. 88 not in force at Royal Assent see s. 270(4)(5); s. 88 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); s. 88 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

**Changes to legislation:**

Housing Act 2004, Section 88 is up to date with all changes known to be in force on or before 27 May 2023. 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)