

*Status: Point in time view as at 04/04/2011.*

*Changes to legislation: Equality Act 2010, Cross Heading: Owner-occupier is up to date with all changes known to be in force on or before 19 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)*

## SCHEDULES

### SCHEDULE 5

#### PREMISES: EXCEPTIONS

##### *Owner-occupier*

- 1 (1) This paragraph applies to the private disposal of premises by an owner-occupier.
  - (2) A disposal is a private disposal only if the owner-occupier does not—
    - (a) use the services of an estate agent for the purpose of disposing of the premises, or
    - (b) publish (or cause to be published) an advertisement in connection with their disposal.
  - (3) Section 33(1) applies only in so far as it relates to race.
  - (4) Section 34(1) does not apply in so far as it relates to—
    - (a) religion or belief, or
    - (b) sexual orientation.
  - (5) In this paragraph—

“estate agent” means a person who, by way of profession or trade, provides services for the purpose of—

    - (a) finding premises for persons seeking them, or
    - (b) assisting in the disposal of premises;

“owner-occupier” means a person who—

    - (a) owns an estate or interest in premises, and
    - (b) occupies the whole of them.
- 2 (1) Section 36(1)(a) does not apply if—
    - (a) the premises are, or have been, the only or main home of a person by whom they are let, and
    - (b) since entering into the letting, neither that person nor any other by whom they are let has used a manager for managing the premises.
  - (2) A manager is a person who, by profession or trade, manages let premises.
  - (3) Section 36(1)(b) does not apply if—
    - (a) the premises are, or have been, the only or main home of a person who has them to let, and
    - (b) neither that person nor any other who has the premises to let uses the services of an estate agent for letting the premises.
  - (4) “Estate agent” has the meaning given in paragraph 1.

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