



# Housing Act 2004

## 2004 CHAPTER 34

### PART 3

#### SELECTIVE LICENSING OF OTHER RESIDENTIAL ACCOMMODATION

##### *Introductory*

#### **79 Licensing of houses to which this Part applies**

- (1) This Part provides for houses to be licensed by local housing authorities where—
  - (a) they are houses to which this Part applies (see subsection (2)), and
  - (b) they are required to be licensed under this Part (see section 85(1)).
- (2) This Part applies to a house if—
  - (a) it is in an area that is for the time being designated under section 80 as subject to selective licensing, and
  - (b) the whole of it is occupied either—
    - (i) under a single tenancy or licence that is not an exempt tenancy or licence under subsection (3) or (4), or
    - (ii) under two or more tenancies or licences in respect of different dwellings contained in it, none of which is an exempt tenancy or licence under subsection (3) or (4).
- (3) A tenancy or licence is an exempt tenancy or licence if<sup>F1</sup>—
  - (a) it is granted by a non-profit registered provider of social housing,
  - (b) it is granted by a profit-making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or
  - (c) it is granted by a body which is registered as a social landlord under Part 1 of the Housing Act 1996 (c. 52).
- (4) In addition, the appropriate national authority may by order provide for a tenancy or licence to be an exempt tenancy or licence—

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**Changes to legislation:** *Housing Act 2004, Cross Heading: Introductory is up to date with all changes known to be in force on or before 09 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) View outstanding changes*

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- (a) if it falls within any description of tenancy or licence specified in the order; or
  - (b) in any other circumstances so specified.
- (5) Every local housing authority have the following general duties—
- (a) to make such arrangements as are necessary to secure the effective implementation in their district of the licensing regime provided for by this Part; and
  - (b) to ensure that all applications for licences and other issues falling to be determined by them under this Part are determined within a reasonable time.

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**Textual Amendments**

- F1** Words in s. 79(3) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 131** (with art. 6, Sch. 3)

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**Commencement Information**

- II** S. 79 wholly in force at 25.11.2005; s. 79 in force for certain purposes at Royal Assent see s. 270(2) (b); s. 79 in force for E. at 15.6.2005 by [S.I. 2005/1451](#), **art. 3(c)**; s. 79 in force for W. at 25.11.2005 by [S.I. 2005/3237](#), **art. 2(d)**

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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\(3\)](#)