



# 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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*Status: This is the original version (as it was originally enacted).*

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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.