
Changes to legislation: Housing Act 1988, Cross Heading: Exempted disposals is up to date with all changes known to be in force on or before 12 January 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

SCHEDULES

SCHEDULE 11

PROVISIONS APPLICABLE TO CERTAIN DISPOSALS OF HOUSES

Exempted disposals

- 4 (1) A disposal is an exempted disposal for the purposes of this Schedule if—
- (a) it is a disposal of the whole of the house and a conveyance of the freehold or an assignment of the lease and the person or each of the persons to whom it is made is a qualifying person (as defined in sub-paragraph (2) below);
 - (b) it is a vesting of the whole of the house in a person taking under a will or on an intestacy;
 - [^{F1}(c) it is a disposal of the whole of the house in pursuance of an such order as is mentioned in sub-paragraph (4) below;]
 - (d) it is a compulsory disposal; or
 - (e) the property disposed of is property included with the house as being such a yard, garden, outhouse or appurtenance as is referred to in section 92(1)(b) of this Act.
- (2) For the purposes of sub-paragraph (1)(a) above, a person is a qualifying person in relation to a disposal if—
- (a) he is the person or one of the persons by whom the disposal is made;
 - (b) he is the spouse or a former spouse [^{F2}, or the civil partner or a former civil partner,] of that person or one of those persons; or
 - (c) he is a member of the family of that person or one of those persons and has resided with him throughout the period of twelve months ending with the disposal.
- (3) Section 186 of the ^{M1}Housing Act 1985 applies to determine whether a person is a member of another person's family for the purposes of sub-paragraph (2)(c) above.
- [^{F3}(4) The orders referred to in sub-paragraph (1)(c) above are orders under—
- (a) section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings),
 - (b) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),
 - (c) section 17 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, &c.),^{F4} . . .
 - (d) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents) [^{F5}, or]
 - [^{F5}(e) Part 2 or 3 of Schedule 5, or paragraph 9 of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders, or orders for the sale of

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property, in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).]]

Textual Amendments

- F1 Sch. 11 para. 4(1)(c) substituted (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. III para. 19(2)**; S.I. 1996/2402, **art. 3** (subject to transitional provisions in Sch.)
- F2 Words in Sch. 11 para. 4(2)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 81, 263, {Sch. 8 para. 45(1)(2)}; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F3 Sch 11 para. 4(4) added (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. III para. 19(3)**; S.I. 1996/2402, **art. 3** (subject to transitional provisions in Sch.)
- F4 Words in Sch. 11 para. 4(4) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 81, 261(4), **Sch. 30**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F5 Sch. 11 para. 4(4)(e) and word inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 81, 263, **Sch. 8 para. 45(1)(3)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

Marginal Citations

- M1 1985 c. 68.

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

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](#)