

**HOUSING (SPECIAL POWERS) RULES**

**(LN. 1976/076)**

1.7.1976

Amending enactments

Relevant current  
provisions

Commencement  
date

---

**ARRANGEMENT OF RULES.**

Rule

1. Title.
2. Absence which shall not render a tenant liable to have his tenancy terminated.
3. Persons who may occupy premises of an absent tenant.
4. Powers on appeal.

**1972-11**

**Housing (Special Powers)**

---

**HOUSING (SPECIAL POWERS) RULES**

**Subsidiary  
1976/076**

---

## HOUSING (SPECIAL POWERS) RULES

**Title.**

**Subsidiary  
1976/076**

1. These Rules may be cited as the Housing (Special Powers) Rules.

**Absence which shall not render a tenant liable to have his tenancy terminated.**

2.(1) A tenant shall be deemed to be in the personal occupation of premises, notwithstanding that he does not sleep on such premises on such day, on any day that the reason for his not so sleeping is that—

- (a) he is on Government duty whether inside or outside Gibraltar;
- (b) he is on a course, approved by Government, inside or outside Gibraltar; or
- (c) he is prevented from personal occupation by circumstances beyond his control.

(2) A tenant shall be deemed to be in personal occupation of premises, notwithstanding that he does not sleep on the premises on such day, on any day on which a person who is allowed to reside in the premises under the tenancy agreement sleeps therein.

(3) A tenant shall be deemed to be in personal occupation of premises, notwithstanding that he does not sleep on the premises on such day, on any day that the Housing Manager has approved, in writing, his absence from such premises.

(4) Any person aggrieved by the refusal of the Housing Manager to give his approval under subrule (3) may appeal to the Housing Allocation Committee.

**Persons who may occupy premises of an absent tenant.**

3. (1) Where a tenant is not in personal occupation of premises and his absence does not render him liable to have his tenancy terminated by reason of such non-occupation the premises may be occupied—

- (a) as of any right by any person who would be an entitled person under section 2 of the Act if the tenant were deceased; or
- (b) by any other person approved by the Housing Manager.

(2) A person aggrieved by the refusal of the Housing Manager to give his approval under subrule (1)(b) may appeal to the Housing Allocation Committee.

**1972-11**

## Housing (Special Powers)

---

### HOUSING (SPECIAL POWERS) RULES

**Subsidiary  
1976/076**

**Powers on appeal.**

4. (1) Where a person appeals to the Housing Allocation Committee under rule 2 or 3 the committee may dismiss the appeal or allow it in whole or in part and subject to such conditions as it may see fit.

(2) Where an appeal against the refusal of approval of the Housing Manager has been allowed, the effect of such allowance shall be deemed to be approval by the Housing Manager.