

Status: Point in time view as at 22/04/2014.

Changes to legislation: Family Law Act 1996, Paragraph 1 is up to date with all changes known to be in force on or before 26 June 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 7

TRANSFER OF CERTAIN TENANCIES ON DIVORCE ETC. OR ON SEPARATION OF COHABITANTS

PART I

GENERAL

Interpretation

1 In this Schedule—

[^{F1}“civil partner”, except in paragraph 2, includes (where the context requires) former civil partner;]

“cohabitant”, except in paragraph 3, includes (where the context requires) former cohabitant;

[^{F2}“the court” means the High Court or the family court,]

“landlord” includes—

(a) any person from time to time deriving title under the original landlord; and

(b) in relation to any dwelling-house, any person other than the tenant who is, or (but for Part VII of the ^{M1}Rent Act 1977 or Part II of the ^{M2}Rent (Agriculture) Act 1976) would be, entitled to possession of the dwelling-house;

“Part II order” means an order under Part II of this Schedule;

“a relevant tenancy” means—

(a) a protected tenancy or statutory tenancy within the meaning of the Rent Act 1977;

(b) a statutory tenancy within the meaning of the Rent (Agriculture) Act 1976;

(c) a secure tenancy within the meaning of section 79 of the ^{M3}Housing Act 1985; ^{F3} . . .

(d) an assured tenancy or assured agricultural occupancy within the meaning of Part I of the ^{M4}Housing Act 1988; [^{F4}or

(e) an introductory tenancy within the meaning of Chapter I of Part V of the Housing Act 1996;

“spouse”, except in paragraph 2, includes (where the context requires) former spouse; and

“tenancy” includes sub-tenancy.]

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Textual Amendments

- F1** Sch. 7 para. 1: definition of "civil partner" inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 82, 263, [Sch. 9 para. 16\(2\)](#); [S.I. 2005/3175](#), [art. 2\(1\)](#), Sch. 1
- F2** Definition in Sch. 7 para. 1 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 145](#); [S.I. 2014/954](#), [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F3** Word in Sch. 7 para. 1(c) omitted (12.2.1997) by virtue of [S.I. 1997/74](#), [art. 2](#), [Sch. para. 10\(b\)\(i\)](#)
- F4** Sch. 7 para. 1(e) and preceding word inserted (12.2.1997) by [S.I. 1997/74](#), [art. 2](#), [Sch. para. 10\(b\)\(i\)](#)

Marginal Citations

- M1** 1977 c. 42.
- M2** 1976 c. 80.
- M3** 1985 c. 68.
- M4** 1988 c. 50.

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