

## SCHEDULES

### SCHEDULE 7

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

##### PART I

##### GENERAL

###### *Cases in which the court may make an order*

- 2 (1) This paragraph applies if one spouse is entitled, either in his own right or jointly with the other spouse, to occupy a dwelling-house by virtue of a relevant tenancy.
- (2) At any time when it has power to make a property adjustment order under section 23A (divorce or separation) or 24 (nullity) of the Matrimonial Causes Act 1973 with respect to the marriage, the court may make a Part II order.
- 3 (1) This paragraph applies if one cohabitant is entitled, either in his own right or jointly with the other cohabitant, to occupy a dwelling-house by virtue of a relevant tenancy.
- (2) If the cohabitants cease to live together as husband and wife, the court may make a Part II order.
- 4 The court shall not make a Part II order unless the dwelling-house is or was—
- (a) in the case of spouses, a matrimonial home; or
  - (b) in the case of cohabitants, a home in which they lived together as husband and wife.