
Changes to legislation: Family Law Act 1996, Paragraph 59 is up to date with all changes known to be in force on or before 29 July 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 8

MINOR AND CONSEQUENTIAL AMENDMENTS

PART III

AMENDMENTS CONNECTED WITH PART IV

The Housing Act 1988 (c. 50)

- 59 (1) Section 9 of the Housing Act 1988 (extended discretion of court in possession claims) is amended as follows.
- (2) In subsection (5)—
- (a) in paragraph (a), for “rights of occupation under the Matrimonial Homes Act 1983” substitute “matrimonial home rights under Part IV of the Family Law Act 1996”,^{F1} . . .
 - (b) ^{F2}
- (3) After subsection (5) insert—
- “(5A) In any case where—
- (a) at a time when proceedings are brought for possession of a dwelling-house let on an assured tenancy—
 - (i) an order is in force under section 35 of the Family Law Act 1996 conferring rights on the former spouse of the tenant, or
 - (ii) an order is in force under section 36 of that Act conferring rights on a cohabitant or former cohabitant (within the meaning of that Act) of the tenant,
 - (b) that cohabitant, former cohabitant or former spouse is then in occupation of the dwelling-house, and
 - (c) the assured tenancy is terminated as a result of those proceedings, the cohabitant, former cohabitant or former spouse shall have the same rights in relation to, or in connection with, any such adjournment as is referred to in subsection (1) above or any such stay, suspension or postponement as is referred to in subsection (2) above as he or she would have if the rights conferred by the order referred to in paragraph (a) above were not affected by the termination of the tenancy.”

Textual Amendments

- F1** Word preceding Sch. 8 para. 59(2)(b) repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(4), 263, [Sch. 30](#); S.I. 2005/3175, [art. 2\(6\)](#)

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F2 Sch. 8 para. 59(2)(b) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(4), 263, **Sch. 30**; S.I. 2005/3175, **art. 2(6)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 63(2)(k) inserted by [2021 c. 17 s. 52\(2\)](#)