

*Status: Point in time view as at 03/01/2019.*

*Changes to legislation: Family Law Act 1996, Paragraph 5 is up to date with all changes known to be in force on or before 09 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

###### *Matters to which the court must have regard*

- 5 In determining whether to exercise its powers under Part II of this Schedule and, if so, in what manner, the court shall have regard to all the circumstances of the case including—
- (a) the circumstances in which the tenancy was granted to either or both of the spouses [<sup>F1</sup>, civil partners] or cohabitants or, as the case requires, the circumstances in which either or both of them became tenant under the tenancy;
  - (b) the matters mentioned in section 33(6)(a), (b) and (c) and, where the parties are cohabitants and only one of them is entitled to occupy the dwelling-house by virtue of the relevant tenancy, the further matters mentioned in section 36(6)(e), (f), (g) and (h); and
  - (c) the suitability of the parties as tenants.

##### Textual Amendments

- F1** Words in Sch. 7 para. 5(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, Sch. 9 para. 16(6); S.I. 2005/3175, art. 2(1), Sch. 1

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