



# Housing (Scotland) Act 2001

## 2001 asp 10

### PART 7

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **108 Meaning of “family” and “spouse”: cohabitation**

- (1) For the purposes of this Act, a person (“A”) is a member of another’s (“B’s”) family if—
- (a) A is the spouse [<sup>F1</sup>or civil partner] of B, or A and B live together as husband and wife or in a relationship which has the characteristics of the relationship between husband and wife except that the persons are of the same sex, or
  - (b) A is B’s parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- (2) For the purpose of subsection (1)(b)—
- (a) a relationship by marriage [<sup>F2</sup>or by virtue of civil partnership] is to be treated as a relationship by blood,
  - (b) a relationship of the half-blood is to be treated as a relationship of the whole blood,
  - (c) the stepchild of a person is to be treated as that person’s child, and
  - (d) a person brought up or treated by another person as if the person were the child of the other person is to be treated as that person’s child.
- (3) In section 83 (members of a person’s family) of the 1987 Act—
- (a) in subsection (1)(a), after “wife” insert “ or in a relationship which has the characteristics of the relationship between husband and wife except that the persons are of the same sex ”,
  - (b) in subsection (2), after paragraph (c) insert—
    - “(ca) a person brought up or treated by another person as if the person were the child of the other person shall be treated as that person’s child;”,
  - (c) after subsection (2) insert—

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**Changes to legislation:** *Housing (Scotland) Act 2001, Section 108 is up to date with all changes known to be in force on or before 20 April 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*

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“(3) Except in subsection (1)(a), references in this Act to a person’s spouse include references to another person living together with that person as husband and wife or in a relationship which has the characteristics of the relationship between husband and wife except that the persons are of the same sex.”

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#### Textual Amendments

- F1** Words in s. 108(1)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 64(2)**; S.S.I. 2005/604, arts. 2(c), 4
- F2** Words in s. 108(2)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 64(3)**; S.S.I. 2005/604, arts. 2(c), 4
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#### Commencement Information

- I1** S. 108 wholly in force at 1.10.2001, see s. 113 and S.S.I. 2001/336, art. 2(2), **Sch. Pt. I** (subject to transitional provisions in art. 3) (as amended by S.S.I. 2001/397, art. 7(b))

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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. 5(5A) inserted by [2003 asp 10 s. 5\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 14(1)(a) words renumbered as s. 14(1)(a) by [2021 asp 16 s. 22\(2\)\(a\)\(i\)](#)
- s. 14(1)(b) inserted by [2021 asp 16 s. 22\(2\)\(a\)\(ii\)](#)
- s. 14(1A)(1B) inserted by [2021 asp 16 s. 22\(2\)\(b\)](#)
- s. 14(5C)-(5E) inserted by [2021 asp 16 s. 22\(2\)\(e\)](#)
- s. 16(2)(d)(e) inserted by [2021 asp 16 s. 22\(3\)\(b\)\(ii\)](#)
- s. 16(3ZA)(3ZB) inserted by [2021 asp 16 s. 22\(3\)\(c\)](#)
- s. 16(5C) inserted by [2021 asp 16 s. 22\(3\)\(e\)](#)
- s. 16(7)-(10) inserted by [2021 asp 16 s. 22\(3\)\(f\)](#)
- s. 34(7A)-(7C) inserted by [2003 asp 10 s. 6\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 34(8)(b) and words inserted by [2003 asp 10 s. 6\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 89(12) inserted by [2019 asp 10 s. 18\(3\)](#)
- sch. 2 para. 15A inserted by [2021 asp 16 s. 22\(4\)](#)
- sch. 6 para. 5A and cross-heading inserted by [2003 asp 10 s. 5\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)