
Changes to legislation: Family Law Act 1996, Paragraph 8 is up to date with all changes known to be in force on or before 23 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

SCHEDULES

SCHEDULE 7

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

PART II

ORDERS THAT MAY BE MADE

Statutory tenancy within the meaning of the Rent Act 1977

- 8 (1) This paragraph applies if the spouse [^{F1}, civil partner] or cohabitant is entitled to occupy the dwelling-house by virtue of a statutory tenancy within the meaning of the ^{M1}Rent Act 1977.
- (2) The court may by order direct that, as from the date specified in the order—
- (a) that spouse [^{F1}, civil partner] or cohabitant is to cease to be entitled to occupy the dwelling-house; and
 - (b) the other spouse [^{F1}, civil partner] or cohabitant is to be deemed to be the tenant or, as the case may be, the sole tenant under that statutory tenancy.
- (3) The question whether the provisions of paragraphs 1 to 3, or (as the case may be) paragraphs 5 to 7 of Schedule 1 to the Rent Act 1977, as to the succession by the surviving spouse [^{F2} or surviving civil partner] of a deceased tenant, or by a member of the deceased tenant's family, to the right to retain possession are capable of having effect in the event of the death of the person deemed by an order under this paragraph to be the tenant or sole tenant under the statutory tenancy is to be determined according as those provisions have or have not already had effect in relation to the statutory tenancy.

Textual Amendments

- F1** Words in Sch. 7 para. 8(1)(2)(a)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, Sch. 9 para. 16(12); S.I. 2005/3175, art. 2(1), Sch. 1
- F2** Words in Sch. 7 para. 8(3) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, Sch. 9 para. 16(13); S.I. 2005/3175, art. 2(1), Sch. 1
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Marginal Citations

- M1** 1977 c. 42.

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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\(2\)](#)