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**Changes to legislation:** Family Law Act 1996, Paragraph 53 is up to date with all changes known to be in force on or before 24 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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## SCHEDULES

### SCHEDULE 8

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART III

#### AMENDMENTS CONNECTED WITH PART IV

##### *The Housing Act 1985 (c. 68)*

- 53 (1) Section 85 of the Housing Act 1985 (extended discretion of court in certain proceedings for possession) 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”;<sup>F1</sup> . . .
  - (b) <sup>F2</sup> . . . . .
- (3) After subsection (5) insert—
- “(5A) If proceedings are brought for possession of a dwelling-house which is let under a secure tenancy and—
- (a) an order is in force under section 35 of the Family Law Act 1996 conferring rights on the former spouse of the tenant or 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) the former spouse, cohabitant or former cohabitant is then in occupation of the dwelling-house, and
  - (c) the tenancy is terminated as a result of those proceedings,
- the former spouse, cohabitant or former cohabitant shall, so long as he or she remains in occupation, have the same rights in relation to, or in connection with, any adjournment, stay, suspension or postponement in pursuance of this section as he or she would have if the rights conferred by the order referred to in paragraph (a) were not affected by the termination of the tenancy.”

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#### Textual Amendments

- F1** Word preceding Sch. 8 para. 53(2)(b) repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(4), 263, [Sch. 30](#); S.I. 2005/3175, [art. 2\(6\)](#)
- F2** Sch. 8 para. 53(2)(b) repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(4), 263, [Sch. 30](#); S.I. 2005/3175, [art. 2\(6\)](#)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 :**

- Sch. 8 para. 53 repealed by [2008 c. 17 Sch. 16](#)

**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\(2\)](#)