
Changes to legislation: Civil Partnership Act 2004, Cross Heading: Housing Act 1988 (c. 50) is up to date with all changes known to be in force on or before 14 March 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

HOUSING AND TENANCIES

Housing Act 1988 (c. 50)

- 41 (1) Amend section 17 (succession to assured periodic tenancy by spouse) as follows.
- (2) In subsection (1), after “spouse” (in each place) insert “ or civil partner ”.
- (3) For subsection (4) substitute—
- “ (4) For the purposes of this section—
- (a) a person who was living with the tenant as his or her wife or husband shall be treated as the tenant’s spouse, and
- (b) a person who was living with the tenant as if they were civil partners shall be treated as the tenant’s civil partner.”
- (4) In subsection (5), for the words after “the county court” substitute “ shall for the purposes of this section be treated (according to whether that one of them is of the opposite sex to, or of the same sex as, the tenant) as the tenant’s spouse or the tenant’s civil partner. ”
- 42 In section 82(1)(b) (after disposal by housing action trust, legal assistance may be given to surviving spouse of pre-disposal tenant), for “or widower” substitute “ , widower or surviving civil partner ”.
- 43 (1) Amend Schedule 2 (assured tenancies: grounds for possession) as follows.
- (2) In Part 1 (cases where court must order possession), in paragraph (b) of Ground 1 (landlord previously resident or requiring premises as residence for himself or his spouse), for “his or his spouse's” substitute “ his, his spouse’s or his civil partner's ”.
- (3) In Part 2 (cases where court may order possession), in Ground 14A (violence by member of a couple)—
- (a) for “a married couple or” substitute “ a married couple, a couple who are civil partners of each other, ” and
- (b) after “as husband or wife” insert “ or a couple living together as if they were civil partners ”.
- 44 (1) Amend paragraph 3 of Schedule 3 (agricultural worker condition where dwelling occupied by surviving spouse or family member of previous qualifying occupier) as follows.
- (2) In sub-paragraphs (1)(c)(i), (3)(a) and (6), for “widow or widower” substitute “ surviving partner ”.
- (3) For sub-paragraph (2) substitute—

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“(2) For the purposes of sub-paragraph (1)(c)(i) above and sub-paragraph (3) below—

- (a) “surviving partner” means widow, widower or surviving civil partner; and
- (b) a surviving partner of the previous qualifying occupier of the dwelling-house is a qualifying surviving partner if that surviving partner was residing in the dwelling-house immediately before the previous qualifying occupier’s death.”

(4) For sub-paragraph (5) (person living as wife or husband with previous occupier) substitute—

“(5) For the purposes of sub-paragraph (2)(a) above—

- (a) a person who, immediately before the previous qualifying occupier’s death, was living with the previous occupier as his or her wife or husband shall be treated as the widow or widower of the previous occupier, and
- (b) a person who, immediately before the previous qualifying occupier’s death, was living with the previous occupier as if they were civil partners shall be treated as the surviving civil partner of the previous occupier.”

- 45 (1) Amend paragraph 4 of Schedule 11 (exempted disposals by housing action trusts) as follows.
- (2) In sub-paragraph (2)(b) (meaning of “qualifying person” in definition of “exempted disposal”), after “the spouse or a former spouse” insert “, or the civil partner or a former civil partner, ”.
- (3) In sub-paragraph (4) (disposals in pursuance of certain orders), after paragraph (d) insert “, or
- (e) Part 2 or 3 of Schedule 5, or paragraph 9 of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders, or orders for the sale of property, in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).”

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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. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)