
Changes to legislation: Civil Partnership Act 2004, Paragraph 16 is up to date with all changes known to be in force on or before 20 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 9

FAMILY HOMES AND DOMESTIC VIOLENCE

PART 1

AMENDMENTS OF THE FAMILY LAW ACT 1996 (C. 27)

- 16 (1) Amend Schedule 7 (transfer of certain tenancies on divorce etc. or on separation of cohabitants) as follows.
- (2) In paragraph 1, before the definition of “cohabitant” insert—
- ““civil partner”, except in paragraph 2, includes (where the context requires) former civil partner;”.
- (3) In paragraph 2(1), after “spouse” (in both places) insert “ or civil partner ”.
- (4) For paragraph 2(2) substitute—
- “(2) The court may make a Part II order—
- (a) on granting a decree of divorce, a decree of nullity of marriage or a decree of judicial separation or at any time thereafter (whether, in the case of a decree of divorce or nullity of marriage, before or after the decree is made absolute), or
- (b) at any time when it has power to make a property adjustment order under Part 2 of Schedule 5 to the Civil Partnership Act 2004 with respect to the civil partnership.”
- (5) Omit “or” at the end of paragraph 4(a) and insert—
- “(aa) in the case of civil partners, a civil partnership home; or”.
- (6) In paragraph 5(a), after “spouses” insert “ , civil partners ”.
- (7) In paragraph 6—
- (a) after “spouse” (in the first place) insert “ , a civil partner ”, and
- (b) after “spouse” (in the second place) insert “ , civil partner ”.
- (8) In paragraph 7(1) and (2), after “spouse” (in each place) insert “ , civil partner ”.
- (9) For paragraph 7(3) to (4) substitute—
- “(3) If the spouse, civil partner or cohabitant so entitled is a successor within the meaning of Part 4 of the Housing Act 1985—
- (a) his former spouse (or, in the case of judicial separation, his spouse),
- (b) his former civil partner (or, if a separation order is in force, his civil partner), or
- (c) his former cohabitant,

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is to be deemed also to be a successor within the meaning of that Part.

(3A) If the spouse, civil partner or cohabitant so entitled is a successor within the meaning of section 132 of the Housing Act 1996—

- (a) his former spouse (or, in the case of judicial separation, his spouse),
- (b) his former civil partner (or, if a separation order is in force, his civil partner), or
- (c) his former cohabitant,

is to be deemed also to be a successor within the meaning of that section.

(4) If the spouse, civil partner or cohabitant so entitled is for the purposes of section 17 of the Housing Act 1988 a successor in relation to the tenancy or occupancy—

- (a) his former spouse (or, in the case of judicial separation, his spouse),
- (b) his former civil partner (or, if a separation order is in force, his civil partner), or
- (c) his former cohabitant,

is to be deemed to be a successor in relation to the tenancy or occupancy for the purposes of that section.”

(10) In paragraph 7(5)(a), after “spouse” insert “, civil partner”.

(11) Omit paragraph 7(6).

(12) In paragraph 8(1) and (2)(a) and (b), after “spouse” insert “, civil partner”.

(13) In paragraph 8(3), after “surviving spouse” insert “ or surviving civil partner”.

(14) In paragraphs 9(1), (2)(a) and (b) and (3) (in both places) and 10(1) (in both places), after “spouse” insert “, civil partner”.

(15) In paragraph 11(1), after “spouses” insert “, civil partners”.

(16) In paragraph 11(2), after “spouse” insert “, civil partner”.

(17) For paragraph 12 and the heading preceding it, substitute—

“Date when order made between spouses or civil partners takes effect

12 The date specified in a Part II order as the date on which the order is to take effect must not be earlier than—

- (a) in the case of a marriage in respect of which a decree of divorce or nullity has been granted, the date on which the decree is made absolute;
- (b) in the case of a civil partnership in respect of which a dissolution or nullity order has been made, the date on which the order is made final.”

(18) For paragraph 13 and the heading preceding it substitute—

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“Effect of remarriage or subsequent civil partnership

- 13 (1) If after the grant of a decree dissolving or annulling a marriage either spouse remarries or forms a civil partnership, that spouse is not entitled to apply, by reference to the grant of that decree, for a Part II order.
- (2) If after the making of a dissolution or nullity order either civil partner forms a subsequent civil partnership or marries, that civil partner is not entitled to apply, by reference to the making of that order, for a Part II order.
- (3) In sub-paragraphs (1) and (2)—
- (a) the references to remarrying and marrying include references to cases where the marriage is by law void or voidable, and
 - (b) the references to forming a civil partnership include references to cases where the civil partnership is by law void or voidable.”
- (19) In paragraph 15(1)—
- (a) after “spouse” insert “ or civil partner ”, and
 - (b) for “spouse’s matrimonial home rights” substitute “ spouse’s or civil partner’s home rights ”.
- (20) In paragraph 15(2), after “spouse” insert “ , civil partner ”.

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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\(2\)](#)