

SCHEDULES

SCHEDULE 2

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

PART II

ORDERS THAT MAY BE MADE

References to entitlement to occupy

6. References in this Part to a spouse or a cohabitee being entitled to occupy a dwelling-house by virtue of a protected tenancy or a secure tenancy apply whether that entitlement is in his own right or jointly with the other spouse or cohabitee.

Protected or secure tenancy

7.—(1) If a spouse or cohabitee is entitled to occupy the dwelling-house by virtue of a protected tenancy or a secure tenancy the court may by order direct that, as from such date as may be specified in the order, there shall, by virtue of the order and without further assurance, be transferred to, and vested in, the other spouse or cohabitee—

- (a) the estate which the spouse or cohabitee so entitled had in the dwelling-house immediately before that date by virtue of the lease or agreement creating the tenancy and any assignment of that lease or agreement, with all rights, privileges and appurtenances attaching to that estate but subject to all covenants, obligations, liabilities and incumbrances to which it is subject, and
- (b) where the spouse or cohabitee so entitled is an assignee of such lease or agreement, the liability of that spouse or cohabitee under any covenant of indemnity by the assignee expressed or implied in the assignment of the lease or agreement to that spouse or cohabitee.

(2) If an order is made under this paragraph, any liability or obligation to which the spouse or cohabitee so entitled is subject under any covenant having reference to the dwelling-house in the lease, agreement or assignment, being a liability or obligation falling due to be discharged or performed on or after the date so specified, shall not be enforceable against that spouse or cohabitee.

(3) If the spouse so entitled is a successor within the meaning of Chapter II of Part II of the Housing (Northern Ireland) Order 1983, his former spouse or former cohabitee (or, if a decree of judicial separation is in force, his spouse) shall be deemed also to be a successor within the meaning of that Chapter.

Status: This is the original version (as it was originally made).

Statutory tenancy

8.—(1) This paragraph applies if the spouse or cohabitee is entitled to occupy the dwelling-house by virtue of a statutory tenancy.

(2) The court may by order direct that, as from the date specified in the order,—

- (a) that spouse or cohabitee is to cease to be entitled to occupy the dwelling-house; and
- (b) the other spouse or cohabitee 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 paragraph 1 to 4, or (as the case may be) paragraphs 6 to 9 of Schedule 1 to the Rent (Northern Ireland) Order 1978, as to the succession by the widow or widower 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 or the corresponding provisions of the Rent Restriction Acts have or have not already had effect in relation to the statutory tenancy.