
Changes to legislation: Civil Partnership Act 2004, Cross Heading: Housing Act 1985 (c. 68) is up to date with all changes known to be in force on or before 03 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 8

HOUSING AND TENANCIES

Housing Act 1985 (c. 68)

- 18 In sections 39(2)(b) and 160(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,”.
- 19 In section 39(3) (disposals exempt if 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.).”
- 20 In section 87(a) (entitlement of tenant’s spouse to succeed to secure tenancy), after “spouse” insert “ or civil partner ”.
- 21 (1) Amend section 88 (cases where secure tenant is a successor) as follows.
- (2) In subsection (1)(d), for “(2) and (3)” substitute “ (2) to (3) ”.
- (3) After subsection (2) insert—
- “(2A) A tenant to whom the tenancy was assigned in pursuance of an order under Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.) is a successor only if the other civil partner was a successor.”
- 22 (1) Amend section 89 (succession to periodic secured tenancy) as follows.
- (2) In subsection (2)(a) (tenant’s spouse is preferred successor), after “spouse” insert “ or civil partner ”.
- (3) In subsection (3)(a), after “parents)” in sub-paragraph (iii) insert “, or
- (iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).”
- 23 In section 90(3)(a) (secure tenancy for term certain does not cease to be secure tenancy if vested under certain orders), after sub-paragraph (iii) insert—
- “(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.), or”.

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- 24 In section 91(3)(b) (assignments not prohibited if in pursuance of certain orders), after “parents)” in sub-paragraph (iii) insert “, or
(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)”.
- 25 In section 99B(2)(e) (subsection applies to assignees in pursuance of certain orders), after “parents)” in sub-paragraph (iii) insert “, or
(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)”.
- 26 In section 101(3)(c) (assignees in pursuance of certain orders are qualifying successors), after “parents)” in sub-paragraph (iii) insert “, or
(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)”.
- 27 (1) Amend sections 113 and 186 (meaning of “member of a person’s family” in Parts 3 and 4) as follows.
- (2) In subsection (1)(a)—
- (a) after “spouse” insert “ or civil partner ”, and
- (b) after “live together as husband and wife” insert “ or as if they were civil partners ”.
- (3) In subsection (2)(a), after “a relationship by marriage” insert “ or civil partnership ”.
- 28 In section 123(2)(a) (family members with whom right to buy may be exercised), after “is his spouse” insert “, is his civil partner ”.
- 29 In section 130(3) (persons whose receipt of discount results in reduction of subsequent discount)—
- (a) in paragraph (b), after “spouse” insert “, or civil partner, ” and
- (b) in paragraph (c), after “deceased spouse” insert “, or deceased civil partner, ”.
- 30 In section 160(3) (right to buy: disposals in pursuance of certain orders are exempted), 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.)”.
- 31 In section 171B(4)(b) (persons who become tenants in pursuance of certain orders are qualifying successors), after sub-paragraph (iv) insert “or
(v) an order under Part 2 of Schedule 5, or a property adjustment order under paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)”.

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- 32 In section 554(2A) (grant by registered social landlords to former owner-occupier of defective dwelling), for paragraph (b) substitute—
- “(b) is the spouse or civil partner, or a former spouse or former civil partner, or the surviving spouse or surviving civil partner, of a person falling within paragraph (a); or”.
- 33 In Part 1 of Schedule 2 (secure tenancies: grounds for possession if court considers possession reasonable), in ground 2A (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 ”.
- 34 In paragraphs 2, 5 and 5A of Schedule 4 (qualifying period for right to buy and discount)—
- (a) after “deceased spouse” in paragraph (c) of each of those paragraphs insert “ , or deceased civil partner, ” and
- (b) after “spouse” (in each other place) insert “ or civil partner ”.
- 35 (1) Amend Schedule 6A (redemption of landlord’s share) as follows.
- (2) In paragraph 1(2)(a) (meaning of “excluded disposal”), after “spouse” insert “ or civil partner ”.
- (3) In paragraph 1(2)(c) (disposals excluded if in pursuance of certain orders), after subparagraph (iv) insert “or
- (v) 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.),”.
- (4) In paragraphs 4(3)(b) and 12(1), (2) and (3)(d), for “qualifying spouse” substitute “ qualifying partner ”.
- (5) In paragraph 12(2) (which will define “qualifying partner”), for paragraph (c) and the words after that paragraph substitute—
- “(c) he—
- (i) is the spouse, the civil partner, a former spouse, a former civil partner, the surviving spouse, the surviving civil partner, a surviving former spouse or a surviving former civil partner of the person who immediately before that time was entitled to the interest to which this paragraph applies or, as the case may be, the last remaining such interest, or
- (ii) is the surviving spouse, the surviving civil partner, a surviving former spouse or a surviving former civil partner of a person who immediately before his death was entitled to such an interest.”

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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\(2\)](#)