
Changes to legislation: Civil Partnership Act 2004, Cross Heading: Rent (Agriculture) Act 1976 (c. 80) 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

Rent (Agriculture) Act 1976 (c. 80)

- 9 (1) Amend section 3 (protected occupiers by succession) as follows.
- (2) For subsection (2) (succession by surviving spouse) substitute—
- “(2) Where the original occupier was a person who died leaving a surviving partner who was residing in the dwelling-house immediately before the original occupier’s death then, after the original occupier’s death, if the surviving partner has, in relation to the dwelling-house, a relevant licence or tenancy, the surviving partner shall be a protected occupier of the dwelling-house.”
- (3) In subsection (3) (succession by other family members)—
- (a) for “surviving spouse” substitute “ surviving partner ”,
- (b) for “his” (in each place) substitute “ the original occupier's ”, and
- (c) for “him” substitute “ the original occupier ”.
- (4) After subsection (3) insert—
- “(3A) In subsections (2) and (3) above “surviving partner” means surviving spouse or surviving civil partner.”
- 10 (1) Amend section 4 (statutory tenants and tenancies) as follows.
- (2) For subsection (3) (surviving spouse’s statutory tenancy) substitute—
- “(3) If the original occupier was a person who died leaving a surviving partner who was residing in the dwelling-house immediately before the original occupier’s death then, after the original occupier’s death, unless the surviving partner is a protected occupier of the dwelling-house by virtue of section 3(2) above, the surviving partner shall be the statutory tenant if and so long as he occupies the dwelling-house as his residence.”
- (3) In subsection (4) (statutory tenancy for other family members)—
- (a) for “surviving spouse” substitute “ surviving partner ”,
- (b) for “his” (in each place) substitute “ the original occupier's ”, and
- (c) for “him” substitute “ the original occupier ”.
- (4) For subsection (5A) (references to original occupier’s spouse include person living with occupier as his or her wife or husband) substitute—
- “(5ZA) In subsections (3) and (4) above “surviving partner” means surviving spouse or surviving civil partner.

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Rent (Agriculture) Act 1976 (c. 80) 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

(5A) For the purposes of subsection (3) above—

- (a) a person who was living with the original occupier as his or her husband or wife shall be treated as the spouse of the original occupier, and
- (b) a person who was living with the original occupier as if they were civil partners shall be treated as the civil partner of the original occupier,

and, subject to subsection (5B) below, “surviving spouse” and “surviving civil partner” in subsection (5ZA) above shall be construed accordingly.”

11 In section 31(3)(c) (power of Secretary of State and National Assembly for Wales to require information about occupiers of housing accommodation associated with agricultural or forestry land), after “who has been married to” insert “, or has been the civil partner of,”.

12 In paragraph 1 of Case 9 in Part 1 of Schedule 4 (discretionary grounds for possession: dwelling required as residence for member of landlord’s family), after “husband” (in each place) insert “ or civil partner ”.

Changes to legislation:

Civil Partnership Act 2004, Cross Heading: Rent (Agriculture) Act 1976 (c. 80) 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.

[View outstanding changes](#)

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\(2\)](#)