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STATUTORY INSTRUMENTS

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**2005 No. 1452**

The Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2005

PART III

FAMILY HOMES AND DOMESTIC VIOLENCE

**“Cohabitees” to include same-sex couples**

- 12.—(1) In Article 2(2) of the 1998 Order (interpretation)—
- (a) at the beginning of the definition of “cohabitee” and “former cohabitee” there shall be inserted ““cohabit,””;
  - (b) in the definition of “relative” (as amended by Article 11), for “is living or has lived with another person as husband and wife” there shall be substituted “is cohabiting or has cohabited with another person”.
- (2) In Article 3(1) of the 1998 Order (meaning of “cohabitees”, “relevant child” and “associated persons”)—
- (a) in sub-paragraph (a), for the words after ““cohabitees” are” to the end of that sub-paragraph there shall be substituted “two persons who, although not married to each other, are living together as husband and wife or (if of the same sex) in an equivalent relationship;”;
  - (b) in sub-paragraph (b), for ““former cohabitees” is to be read accordingly, but” there shall be substituted ““cohabit” and “former cohabitees” are to be read accordingly, but the latter expression”.
- (3) In Article 14 of the 1998 Order (one cohabitee or former cohabitee with no existing right to occupy)—
- (a) in paragraph (1)(c), for the words from “live together as” to the end there shall be substituted “cohabit or a home in which they at any time cohabited or intended to cohabit.”;
  - (b) in paragraph (6)(e), after “relationship” there shall be inserted “and in particular the level of commitment involved in it”;
  - (c) in paragraph (6)(f) for the words “lived together as husband and wife” there shall be substituted “cohabited”.
- (4) In Article 16 of the 1998 Order (neither cohabitee nor former cohabitee entitled to occupy), in paragraph (1)(a), for the words “live or lived together as husband and wife” there shall be substituted “cohabit or cohabited”.
- (5) Article 19 of the 1998 Order (additional considerations if parties are cohabitees or former cohabitees) shall cease to have effect.
- (6) In Schedule 2 to the 1998 Order (transfer of certain tenancies on divorce etc. or on separation of cohabitees)—
- (a) in paragraph 3(2), for the words “live together as husband and wife” there shall be substituted “cohabit”;

- (b) in paragraph 4(1)(b), for the words “lived together as husband and wife” there shall be substituted “cohabited”.