

Status: Point in time view as at 20/01/2007.

Changes to legislation: Civil Partnership Act 2004, Part 2 is up to date with all changes known to be in force on or before 30 May 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)

SCHEDULES

SCHEDULE 9

FAMILY HOMES AND DOMESTIC VIOLENCE

PART 2

CONSEQUENTIAL AMENDMENTS

Land Compensation Act 1973 (c. 26)

- 17 (1) Amend section 29A (spouses having statutory rights of occupation) as follows.
- (2) In subsection (1)—
- (a) for “one spouse (“A”)” substitute “one spouse or civil partner (“A”)”, and
 - (b) for “the other spouse (“B”) acquires matrimonial home rights” substitute “the other spouse or civil partner (“B”) acquires home rights”.
- (3) In subsection (2) for “matrimonial home rights” substitute “home rights”.
- (4) In the heading to section 29A, after “spouses” insert “and civil partners”.

Housing Act 1985 (c. 68)

- 18 (1) Amend section 85 (extended discretion of court in certain proceedings for possession) as follows.
- (2) In subsection (5)—
- (a) in paragraph (a) for “tenant’s spouse or former spouse, having matrimonial home rights” substitute “tenant’s spouse or former spouse, or civil partner or former civil partner, having home rights”,
 - (b) after “the spouse or former spouse” insert “, or the civil partner or former civil partner,”, and
 - (c) for “those matrimonial home rights” substitute “those home rights”.
- (3) In subsection (5A)—
- (a) in paragraph (a), for “former spouse of the tenant” substitute “former spouse or former civil partner of the tenant”, and
 - (b) in paragraph (b) and in the words following paragraph (c) after “former spouse,” insert “former civil partner,”.
- 19 In section 99B (persons qualifying for compensation) in subsection (2)(f), after “spouse, former spouse,” insert “civil partner, former civil partner,”.
- 20 In section 101 (rent not to be increased on account of tenant’s improvements) in subsection (3)(d), after “spouse, former spouse,” insert “civil partner, former civil partner,”.

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Insolvency Act 1986 (c. 45)

- 21 (1) Amend section 336 (rights of occupation etc. of bankrupt’s spouse) as follows.
- (2) In subsection (1), for “matrimonial home rights” substitute “ home rights ”.
- (3) In subsection (2)—
- (a) for “a spouse’s matrimonial home rights” substitute “ a spouse’s or civil partner’s home rights ”, and
- (b) after “the other spouse” (in each place) insert “ or civil partner ”.
- (4) In subsection (4)(b) and (c) after “spouse or former spouse” insert “ or civil partner or former civil partner ”.
- (5) In the heading to section 336 after “spouse” insert “ or civil partner ”.
- 22 (1) Amend section 337 (rights of occupation of bankrupt) as follows.
- (2) In subsection (2), for “spouse (if any) has matrimonial home rights” substitute “ spouse or civil partner (if any) has home rights ”.
- (3) In subsection (3)—
- (a) in paragraph (a), for “matrimonial home rights” substitute “ home rights ”, and
- (b) in paragraph (c), after “spouse” insert “ or civil partner ”.

Housing Act 1988 (c. 50)

- 23 (1) Amend section 9 (extended discretion of court in possession claims) as follows.
- (2) In subsection (5)—
- (a) for “tenant’s spouse or former spouse, having matrimonial home rights” substitute “ tenant’s spouse or former spouse, or civil partner or former civil partner, having home rights ”,
- (b) after “the spouse or former spouse” insert “ , or the civil partner or former civil partner ”, and
- (c) for “those matrimonial home rights” substitute “ those home rights ”.
- (3) In subsection (5A)—
- (a) for “former spouse of the tenant” substitute “ former spouse or former civil partner of the tenant ”,
- (b) for “cohabitant, former cohabitant or former spouse” (in both places) substitute “ former spouse, former civil partner, cohabitant or former cohabitant ”.

Commonhold and Leasehold Reform Act 2002 (c. 15)

- 24 (1) Amend section 61 (matrimonial rights) as follows.
- (2) For “matrimonial home rights (within the meaning of section 30(2) of the Family Law Act 1996 (c. 27) (matrimonial home))” substitute “ home rights (within the meaning of section 30(2) of the Family Law Act 1996 (c. 27) (rights in respect of matrimonial or civil partnership home)) ”.
- (3) In the heading to section 61 for “Matrimonial” substitute “ Home ”.

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