

Changes to legislation: *Family Homes and Domestic Violence (Northern Ireland) Order 1998, Cross Heading: Statutory tenancy is up to date with all changes known to be in force on or before 10 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 2

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

PART II

ORDERS THAT MAY BE MADE

Statutory tenancy

8.—(1) This paragraph applies if the spouse^{F1}, civil partner] 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^{F1}, civil partner] or cohabitee is to cease to be entitled to occupy the dwelling-house; and
- (b) the other spouse^{F1}, civil partner] 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, ^{F2} . . . of Schedule 1 to the Rent (Northern Ireland) Order 1978, as to the succession by the widow or widower^{F1} or surviving civil partner] 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.

F1 2004 c.33

F2 Words in Sch. 2 para. 8(3) repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, [Sch. 5](#); S.R. 2006/428, [art. 3\(c\)](#)

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 2\(3\)\(j\) inserted by 2022 c. 18 \(N.I.\) Sch. 3 para. 52\(b\)](#)
- [art. 3\(7\)\(8\) inserted by 2022 c. 18 \(N.I.\) Sch. 3 para. 53\(c\)](#)