



Matrimonial Proceedings and Property Act 1970

1970 CHAPTER 45

PART II

MISCELLANEOUS PROVISIONS

Provisions relating to property of married persons

38 Rights of occupation under Matrimonial Homes Act 1967 of spouse with equitable interest in home, etc.

There shall be inserted in section 1 of the Matrimonial Homes Act 1967 (which protects against eviction from the home the spouse not entitled by virtue of any estate or interest, etc., to occupy it) a new subsection—

“(9) It is hereby declared that a spouse who has an equitable interest in a dwelling house or in the proceeds of sale thereof, not being a spouse in whom is vested (whether solely or as a joint tenant) a legal estate in fee simple or a legal term of years absolute in the dwelling house, is to be treated for the purpose only of determining whether he or she has rights of occupation under this section as not being entitled to occupy the dwelling house by virtue of that interest”.