



Matrimonial Homes and Property Act 1981

1981 CHAPTER 24

PART I

RIGHTS OF OCCUPATION

5 Minor amendments

- (1) In section 1(5) of the Act of 1967 (which provides that a spouse's occupation by virtue of that section shall for the purposes of the Rent Act 1977 be treated as possession by the other spouse) before the words " the Rent Act 1977" there shall be inserted the words " the Rent (Agriculture) Act 1976, and of ".
- (2) In section 2(8) of the Act of 1967 after the words " section 94 of that Act" there shall be inserted the words " of 1925 ".
- (3) At the end of section 4 of the Domestic Violence and Matrimonial Proceedings Act 1976 (order restricting occupation of matrimonial home) there shall be inserted the following subsection—

“(4) In the determining for the purposes of this section whether two spouses are entitled to occupy a dwelling-house there shall be disregarded any right to possession of the dwelling house conferred on a mortgagee of the dwelling-house under or by virtue of his mortgage, whether the mortgagee is in possession or not.

In this subsection—

- (a) " mortgage " includes a charge and " mortgagee " shall be construed accordingly ;
- (b) " mortgagee" includes any person deriving title under the original mortgagee”.