

## SCHEDULES

### SCHEDULE 17

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART I

##### GENERAL AMENDMENTS

###### *The Matrimonial Homes Act 1983*

- 33 In section 1(6) of the Matrimonial Homes Act 1983 (occupation of one spouse by virtue of that section treated as occupation by the other for the purposes of certain enactments) after the words “Housing Act 1985” there shall be inserted “and Part I of the Housing Act 1988”.
- 34 (1) In Schedule 1 to that Act (transfer of certain tenancies on divorce, etc.), in paragraph 1—
- (a) at the end of paragraph (c) of sub-paragraph (1) there shall be inserted “or
  - (d) an assured tenancy or assured agricultural occupancy, within the meaning of Part I of the Housing Act 1988”; and
  - (b) in sub-paragraph (2) after the words “secure tenancy” there shall be inserted “or an assured tenancy or assured agricultural occupancy”.
- (2) In paragraph 2 of that Schedule (orders transferring tenancies etc. from one spouse to another)—
- (a) in sub-paragraph (1) after the words “Housing Act 1985” there shall be inserted “or an assured tenancy or assured agricultural occupancy within the meaning of Part I of the Housing Act 1988”; and
  - (b) at the end of sub-paragraph (3) there shall be inserted—
- “(4) Where the spouse so entitled is for the purposes of section 17 of the Housing Act 1988 a successor in relation to the tenancy or occupancy, his or her former spouse (or, in the case of judicial separation, his or her spouse) shall be deemed to be a successor in relation to the tenancy or occupancy for the purposes of that section.
- (5) If the transfer under sub-paragraph (1) above is of an assured agricultural occupancy, then, for the purposes of Chapter III of Part I of the Housing Act 1988,—
- (a) the agricultural worker condition shall be fulfilled with respect to the dwelling-house while the spouse to whom the assured agricultural occupancy is transferred continues to be the occupier under that occupancy; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) that condition shall be treated as so fulfilled by virtue of the same paragraph of Schedule 3 to the Housing Act 1988 as was applicable before the transfer.”