

*Status: Point in time view as at 01/10/1996.*

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## SCHEDULES

### SCHEDULE 18

#### MISCELLANEOUS PROVISIONS

##### PART III

#### ORDERS IN RELATION TO PROPERTY IN FAMILY AND MATRIMONIAL PROCEEDINGS, &C.

##### *Housing Act 1980 (c.51)*

- 7 In section 54(2) of the Housing Act 1980 (prohibition on assignment of protected shorthold tenancy or protected tenancy of dwelling-house), for “except in pursuance of an order under section 24 of the Matrimonial Causes Act 1973” substitute—

“except in pursuance of an order under—

- (a) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
- (b) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or
- (c) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).”

##### *Housing Act 1985 (c.68)*

- 8 (1) Section 39 of the Housing Act 1985 (exempted disposals) is amended as follows.

(2) In subsection (1), for paragraph (c) substitute—

“(c) it is a disposal of the whole of the house in pursuance of any such order as is mentioned in subsection (3);”.

(3) After subsection (2) add—

“(3) The orders referred to in subsection (1)(c) are orders under—

- (a) section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings),
- (b) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),
- (c) section 17 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, &c.), or
- (d) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).”

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- 9 In section 88(2) of the Housing Act 1985 (cases where secure tenant is a successor) after “proceedings)” insert “ or section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.) ”.
- 10 In section 89 of the Housing Act 1985 (succession to periodic tenancy), for subsection (3) substitute—
- “(3) Where there is no person qualified to succeed the tenant, the tenancy ceases to be a secure tenancy—
- (a) when it is vested or otherwise disposed of in the course of the administration of the tenant’s estate, unless the vesting or other disposal is in pursuance of an order made under—
- (i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders made in connection with matrimonial proceedings),
- (ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or
- (iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents); or
- (b) when it is known that when the tenancy is so vested or disposed of it will not be in pursuance of such an order.”.
- 11 In section 90(3) of the Housing Act 1985 (devolution of secure tenancy), for paragraph (a) and the word “or” at the end of the paragraph substitute—
- “(a) the vesting or other disposal is in pursuance of an order made under—
- (i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
- (ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or
- (iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents), or”.
- 12 In section 91(3) of the Housing Act 1985 (cases where assignment of secure tenancy permitted), for paragraph (b) substitute—
- “(b) an assignment in pursuance of an order made under—
- (i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
- (ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or
- (iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);”.
- 13 In section 99B(2) of the Housing Act 1985 (persons qualifying for compensation for improvements) for paragraph (e) substitute—
- “(e) a person to whom the tenancy was assigned by the improving tenant in pursuance of an order made under—

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- (i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
  - (ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or
  - (iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);”.
- 14 In section 101(3) of the Housing Act 1985 (rent not increased on account of tenant’s improvements: qualifying persons) for paragraph (c) substitute—
  - “(c) a person to whom the tenancy was assigned by the tenant in pursuance of an order made under—
    - (i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
    - (ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or
    - (iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);”.
- 15 (1) Section 160 of the Housing Act 1985 (exempted disposals in relation to right to buy) is amended as follows.
  - (2) In subsection (1), for paragraph (c) substitute—
    - “(c) it is a disposal of the whole of the dwelling-house in pursuance of any such order as is mentioned in subsection (3);”.
  - (3) After subsection (2) add—
    - “(3) The orders referred to in subsection (1)(c) are orders under—
      - (a) section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings),
      - (b) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),
      - (c) section 17 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, &c.), or
      - (d) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).”.
- 16 In section 171B(4)(b) of the Housing Act 1985 (extent of preserved right to buy: qualifying successors of tenant), after sub-paragraph (ii) insert—
  - “or
  - (iii) a property adjustment order under section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or
  - (iv) an order under paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);”.

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17 In paragraph 1(2) of Schedule 6A to the Housing Act 1985 (obligation to redeem landlord's share: excluded disposals), for paragraph (c) substitute—

- “(c) it is a disposal in pursuance of an order under—
- (i) section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings),
  - (ii) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),
  - (iii) section 17 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, &c.), or
  - (iv) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);”.

*Landlord and Tenant Act 1987 (c.31)*

18 In section 4(2) of the Landlord and Tenant Act 1987 (right of first refusal: excluded disposals), for paragraph (c) substitute—

- “(c) a disposal in pursuance of an order made under—
- (i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
  - (ii) section 24A of the Matrimonial Causes Act 1973 (orders for the sale of property in connection with matrimonial proceedings) where the order includes provision requiring the property concerned to be offered for sale to a person or class of persons specified in the order,
  - (iii) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),
  - (iv) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.),
  - (v) section 17(2) of the Matrimonial and Family Proceedings Act 1984 (orders for the sale of property after overseas divorce, &c.) where the order includes provision requiring the property concerned to be offered for sale to a person or class of persons specified in the order, or
  - (vi) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);”.

*Housing Act 1988 (c.50)*

19 (1) Paragraph 4 of Schedule 11 to the Housing Act 1988 (repayment of discount on disposal: exempted disposals) is amended as follows.

(2) In sub-paragraph (1), for paragraph (c) substitute—

- “(c) it is a disposal of the whole of the house in pursuance of any such order as is mentioned in sub-paragraph (4) below;”.

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(3) After sub-paragraph (3) add—

“(4) The orders referred to in sub-paragraph (1)(c) above are orders under—

- (a) section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings),
- (b) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),
- (c) section 17 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, &c.), or
- (d) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).”

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