

## SCHEDULES

### SCHEDULE 8

#### HOUSING AND TENANCIES

##### *Rent (Agriculture) Act 1976 (c. 80)*

- 10 (1) Amend section 4 (statutory tenants and tenancies) as follows.
- (2) For subsection (3) (surviving spouse's statutory tenancy) substitute—
- “(3) If the original occupier was a person who died leaving a surviving partner who was residing in the dwelling-house immediately before the original occupier's death then, after the original occupier's death, unless the surviving partner is a protected occupier of the dwelling-house by virtue of section 3(2) above, the surviving partner shall be the statutory tenant if and so long as he occupies the dwelling-house as his residence.”
- (3) In subsection (4) (statutory tenancy for other family members)—
- (a) for “surviving spouse” substitute “surviving partner”,
- (b) for “his” (in each place) substitute “the original occupier's”, and
- (c) for “him” substitute “the original occupier”.
- (4) For subsection (5A) (references to original occupier's spouse include person living with occupier as his or her wife or husband) substitute—
- “(5ZA) In subsections (3) and (4) above “surviving partner” means surviving spouse or surviving civil partner.
- (5A) For the purposes of subsection (3) above—
- (a) a person who was living with the original occupier as his or her husband or wife shall be treated as the spouse of the original occupier, and
- (b) a person who was living with the original occupier as if they were civil partners shall be treated as the civil partner of the original occupier,
- and, subject to subsection (5B) below, “surviving spouse” and “surviving civil partner” in subsection (5ZA) above shall be construed accordingly.”