

## SCHEDULES

### SECOND SCHEDULE

#### RIGHTS OF SURVIVING SPOUSE [F1OR CIVIL PARTNER ]AS RESPECTS THE MATRIMONIAL [F1OR CIVIL PARTNERSHIP ]HOME

##### Textual Amendments

- F1** Words in Sch. 2 heading inserted (E.W.) (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 4 para. 13\(4\)\(b\)](#); S.I. 2005/3175, Sch. 1

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Where—

- (a) the dwelling-house forms part of a building and an interest in the whole of the building is comprised in the residuary estate; or
- (b) the dwelling-house is held with agricultural land and an interest in the agricultural land is comprised in the residuary estate; or
- (c) the whole or a part of the dwelling-house was at the time of the intestate's death used as a hotel or lodging house; or
- (d) a part of the dwelling-house was at the time of the intestate's death used for purposes other than domestic purposes,

the right conferred by paragraph 1 of this Schedule shall not be exercisable unless the court, on being satisfied that the exercise of that right is not likely to diminish the value of assets in the residuary estate (other than the said interest in the dwelling-house) or make them more difficult to dispose of, so orders.

**Changes to legislation:**

There are currently no known outstanding effects for the Intestates' Estates Act 1952, Paragraph 2.