

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 8 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 8

Section 81

HOUSING AND TENANCIES

Law of Property Act 1925 (c. 20)

- 1 (1) Amend section 149(6) (which includes provision for a lease determinable on marriage of the lessee to take effect as a lease for 90 years determinable by notice after the lessee's marriage) as follows.
- (2) After "or on the marriage of the lessee," insert " or on the formation of a civil partnership between the lessee and another person, ”.
- (3) For "after the death or marriage (as the case may be) of the original lessee, or of the survivor of the original lessees," substitute " after (as the case may be) the death or marriage of, or the formation of a civil partnership by, the original lessee or the survivor of the original lessees, ”.

Landlord and Tenant Act 1954 (c. 56)

- 2 In paragraph 1(e) of Schedule 3 (grounds for possession: premises required as residence for landlord or family member), for the words from "as a residence" to "spouse, and" substitute "as a residence for—
 - (i) himself,
 - (ii) any son or daughter of his over eighteen years of age,
 - (iii) his father or mother, or
 - (iv) the father, or mother, of his spouse or civil partner,and ”.

Leasehold Reform Act 1967 (c. 88)

- 3 In section 1(1ZC)(c) (which refers to section 149(6) of the Law of Property Act 1925), after "terminable after a death or marriage" insert " or the formation of a civil partnership ”.
- 4 In section 1B (which refers to a tenancy granted so as to become terminable by notice after a death or marriage), for "a death or marriage" substitute " a death, a marriage or the formation of a civil partnership ”.
- 5 (1) Amend section 3(1) (meaning of "long tenancy") as follows.
- (2) In the words describing section 149(6) of the Law of Property Act 1925, after "terminable after a death or marriage" insert " or the formation of a civil partnership ”.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 8 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) In the proviso (exclusion of certain tenancies terminable by notice after death or marriage)—
- (a) for “a death or marriage” substitute “ a death, a marriage or the formation of a civil partnership ”, and
 - (b) in paragraph (a), after “marriage of” insert “ , or the formation of a civil partnership by, ”.
- 6 (1) Amend section 7 (rights of members of family succeeding to tenancy on death) as follows.
- (2) In subsection (7) (“family member”), for “wife or husband” (in each place) substitute “ spouse or civil partner ”.
- (3) In subsection (8) (surviving spouse’s rights on intestacy)—
- (a) in paragraph (a), for “wife or husband” substitute “ spouse or civil partner ”, and
 - (b) in paragraph (b), for “husband or wife” substitute “ spouse or civil partner ”.
- 7 In section 18(3) (members of landlord’s family whose residential rights exclude enfranchisement or extension), for “wife or husband” (in each place) substitute “ spouse or civil partner ”.

Caravan Sites Act 1968 (c. 52)

- 8 In section 3(2) (“occupier” includes surviving spouse of deceased occupier), for “or widower” (in each place) substitute “ , widower or surviving civil partner ”.

Rent (Agriculture) Act 1976 (c. 80)

- 9 (1) Amend section 3 (protected occupiers by succession) as follows.
- (2) For subsection (2) (succession by surviving spouse) substitute—
- “(2) Where 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, if the surviving partner has, in relation to the dwelling-house, a relevant licence or tenancy, the surviving partner shall be a protected occupier of the dwelling-house.”
- (3) In subsection (3) (succession by 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) After subsection (3) insert—
- “(3A) In subsections (2) and (3) above “surviving partner” means surviving spouse or surviving civil partner.”
- 10 (1) Amend section 4 (statutory tenants and tenancies) as follows.
- (2) For subsection (3) (surviving spouse’s statutory tenancy) substitute—

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 8 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“(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.”

11 In section 31(3)(c) (power of Secretary of State and National Assembly for Wales to require information about occupiers of housing accommodation associated with agricultural or forestry land), after “who has been married to” insert “ , or has been the civil partner of, ”.

12 In paragraph 1 of Case 9 in Part 1 of Schedule 4 (discretionary grounds for possession: dwelling required as residence for member of landlord’s family), after “husband” (in each place) insert “ or civil partner ”.

Rent Act 1977 (c. 42)

13 (1) In Part 1 of Schedule 1 (statutory tenants by succession), amend paragraph 2 (succession by surviving spouse) as follows.

(2) In sub-paragraph (1), after “surviving spouse” insert “ , or surviving civil partner, ”.

(3) For sub-paragraph (2) substitute—

“(2) For the purposes of this paragraph—

- (a) a person who was living with the original tenant as his or her wife or husband shall be treated as the spouse of the original tenant, and
- (b) a person who was living with the original tenant as if they were civil partners shall be treated as the civil partner of the original tenant.”

(4) In sub-paragraph (3), for the words after “the county court” substitute “ shall for the purposes of this paragraph be treated (according to whether that one of them is of

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 8 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

the opposite sex to, or of the same sex as, the original tenant) as the surviving spouse or the surviving civil partner.”

- 14 In Schedule 15 (grounds for possession), in Case 9 in Part 1 (dwelling required as residence for landlord or member of his family), for “wife or husband” substitute “ spouse or civil partner ”.

Protection from Eviction Act 1977 (c. 43)

- 15 In section 4(2)(b) (special provisions for agricultural employees: “occupier” includes surviving spouse of former tenant), for “widow or widower” (in each place) substitute “ surviving spouse or surviving civil partner ”.

Housing Act 1980 (c. 51)

- 16 In section 54(2) (protected shorthold tenancy etc. may not be assigned except in pursuance of certain orders), after paragraph (c) insert “, or
(d) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).”
- 17 In section 76(3) (which amends provisions of the Rent (Agriculture) Act 1976 replaced by this Schedule), for “sections 3(2) and (3)(a) and 4(3) and (4)(a)” substitute “ sections 3(3)(a) and 4(4)(a) ”.

Housing Act 1985 (c. 68)

- 18 In sections 39(2)(b) and 160(2)(b) (meaning of “qualifying person” in definition of “exempted disposal”), after “the spouse or a former spouse” insert “, or the civil partner or a former civil partner, ”.
- 19 In section 39(3) (disposals exempt if in pursuance of certain orders), after paragraph (d) insert “, or
(e) Part 2 or 3 of Schedule 5, or paragraph 9 of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders, or orders for the sale of property, in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).”
- 20 In section 87(a) (entitlement of tenant’s spouse to succeed to secure tenancy), after “spouse” insert “ or civil partner ”.
- 21 (1) Amend section 88 (cases where secure tenant is a successor) as follows.
(2) In subsection (1)(d), for “(2) and (3)” substitute “ (2) to (3) ”.
(3) After subsection (2) insert—
“(2A) A tenant to whom the tenancy was assigned in pursuance of an order under Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.) is a successor only if the other civil partner was a successor.”
- 22 (1) Amend section 89 (succession to periodic secured tenancy) as follows.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 8 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) In subsection (2)(a) (tenant’s spouse is preferred successor), after “spouse” insert “ or civil partner ”.
- (3) In subsection (3)(a), after “parents” in sub-paragraph (iii) insert “, or
(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)”.
- 23 In section 90(3)(a) (secure tenancy for term certain does not cease to be secure tenancy if vested under certain orders), after sub-paragraph (iii) insert—
“(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.), or”.
- 24 In section 91(3)(b) (assignments not prohibited if in pursuance of certain orders), after “parents” in sub-paragraph (iii) insert “, or
(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)”.
- 25 In section 99B(2)(e) (subsection applies to assignees in pursuance of certain orders), after “parents” in sub-paragraph (iii) insert “, or
(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)”.
- 26 In section 101(3)(c) (assignees in pursuance of certain orders are qualifying successors), after “parents” in sub-paragraph (iii) insert “, or
(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)”.
- 27 (1) Amend sections 113 and 186 (meaning of “member of a person’s family” in Parts 3 and 4) as follows.
- (2) In subsection (1)(a)—
(a) after “spouse” insert “ or civil partner ”, and
(b) after “live together as husband and wife” insert “ or as if they were civil partners ”.
- (3) In subsection (2)(a), after “a relationship by marriage” insert “ or civil partnership ”.
- 28 In section 123(2)(a) (family members with whom right to buy may be exercised), after “is his spouse” insert “, is his civil partner ”.
- 29 In section 130(3) (persons whose receipt of discount results in reduction of subsequent discount)—
(a) in paragraph (b), after “spouse” insert “, or civil partner, ” and
(b) in paragraph (c), after “deceased spouse” insert “, or deceased civil partner, ”.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 8 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 30 In section 160(3) (right to buy: disposals in pursuance of certain orders are exempted), after paragraph (d) insert “, or
(e) Part 2 or 3 of Schedule 5, or paragraph 9 of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders, or orders for the sale of property, in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).”
- 31 In section 171B(4)(b) (persons who become tenants in pursuance of certain orders are qualifying successors), after sub-paragraph (iv) insert “or
(v) an order under Part 2 of Schedule 5, or a property adjustment order under paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).”
- 32 In section 554(2A) (grant by registered social landlords to former owner-occupier of defective dwelling), for paragraph (b) substitute—
“(b) is the spouse or civil partner, or a former spouse or former civil partner, or the surviving spouse or surviving civil partner, of a person falling within paragraph (a); or”.
- 33 In Part 1 of Schedule 2 (secure tenancies: grounds for possession if court considers possession reasonable), in ground 2A (violence by member of a couple)—
(a) for “a married couple or” substitute “ a married couple, a couple who are civil partners of each other, ” and
(b) after “as husband or wife” insert “ or a couple living together as if they were civil partners ”.
- 34 In paragraphs 2, 5 and 5A of Schedule 4 (qualifying period for right to buy and discount)—
(a) after “deceased spouse” in paragraph (c) of each of those paragraphs insert “, or deceased civil partner, ” and
(b) after “spouse” (in each other place) insert “ or civil partner ”.
- 35 (1) Amend Schedule 6A (redemption of landlord’s share) as follows.
(2) In paragraph 1(2)(a) (meaning of “excluded disposal”), after “spouse” insert “ or civil partner ”.
(3) In paragraph 1(2)(c) (disposals excluded if in pursuance of certain orders), after sub-paragraph (iv) insert “or
(v) Part 2 or 3 of Schedule 5, or paragraph 9 of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders, or orders for the sale of property, in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).”
(4) In paragraphs 4(3)(b) and 12(1), (2) and (3)(d), for “qualifying spouse” substitute “ qualifying partner ”.
(5) In paragraph 12(2) (which will define “qualifying partner”), for paragraph (c) and the words after that paragraph substitute—
“(c) he—
(i) is the spouse, the civil partner, a former spouse, a former civil partner, the surviving spouse, the surviving civil

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 8 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- partner, a surviving former spouse or a surviving former civil partner of the person who immediately before that time was entitled to the interest to which this paragraph applies or, as the case may be, the last remaining such interest, or
- (ii) is the surviving spouse, the surviving civil partner, a surviving former spouse or a surviving former civil partner of a person who immediately before his death was entitled to such an interest.”

Agricultural Holdings Act 1986 (c. 5)

- 36 (1) In sections 35(2) and 49(3) (interpretation respectively of sections 36 to 48, and sections 49 to 58, etc.), amend the definition of “close relative” as follows.
- (2) In paragraph (a), for “or husband” substitute “, husband or civil partner”.
- (3) In paragraph (d), after “marriage” (in each place) insert “ or civil partnership ”.
- 37 In section 36 (eligible person may apply for new tenancy on death of tenant), after subsection (4) insert—
- “(4A) In the case of the deceased’s civil partner the reference in subsection (3) (a) above to the relative’s agricultural work shall be read as a reference to agricultural work carried out by either the civil partner or the deceased (or both of them).”
- 38 In section 50 (eligible person may apply for new tenancy on retirement of tenant), after subsection (3) insert—
- “(3A) In the case of the civil partner of the retiring tenant the reference in subsection (2)(a) above to the relative’s agricultural work shall be read as a reference to agricultural work carried out by either the civil partner or the retiring tenant (or both of them).”
- 39 (1) Amend Schedule 6 (eligibility to apply for new tenancy under Part 4) as follows.
- (2) In paragraph 1(2) (control of body corporate by deceased’s close relative)—
- (a) after “or his spouse” insert “ or his civil partner ”, and
- (b) after “together” insert “ or he and his civil partner together ”.
- (3) In paragraph 1 (preliminary), after sub-paragraph (3) insert—
- “(4) Any reference in this Schedule to the civil partner of a close relative of the deceased does not apply in relation to any time when the relative’s civil partnership is subject to—
- (a) a separation order under Chapter 2 of Part 2 of the Civil Partnership Act 2004, or
- (b) a dissolution order, nullity order or presumption of death order that is a conditional order under that Chapter.”
- (4) In paragraph 6(2) (no disregard of occupation by relative under tenancy granted by his spouse), after “spouse” insert “ or civil partner ”.
- (5) In paragraph 9(1)(a) (occupation by spouse of relative treated as occupation by relative), after “spouse” insert “, or civil partner,”.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 8 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) In paragraph 9(2) (cases involving joint occupation by spouse, or controlled body, and another)—
- (a) for the words from “joint occupation of land” to “sub-paragraphs” substitute “joint occupation of land by—
- (a) his spouse or civil partner or a body corporate, and
- (b) any other person or persons,
- sub-paragraphs ”, and
- (b) after “spouse” (in the second place) insert “ or civil partner, ”.
- (7) In paragraph 10(3)(a) (meaning of “connected person”), after “spouse” insert “ or civil partner ”.
- (8) In the italic heading before each of paragraphs 9 and 10, after “spouse” insert “ , civil partner ”.

Landlord and Tenant Act 1987 (c. 31)

PROSPECTIVE

- 40 (1) Amend section 4 (meaning of “relevant disposal” for purposes of tenants' rights of first refusal) as follows.
- (2) In subsection (2)(c) (disposals in pursuance of certain orders not relevant disposals), after sub-paragraph (vi) insert—
- “(vii) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of a civil partnership, etc.), or
- (viii) Part 3 of Schedule 5, or paragraph 9(4) of Schedule 7, to the Civil Partnership Act 2004 (orders for the sale of property in connection with civil partnership proceedings or after overseas dissolution of a civil partnership, etc.) 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;”.
- (3) In subsection (5)(a)—
- (a) after “spouse” insert “ or civil partner ”, and
- (b) after “live together as husband and wife” insert “ or as if they were civil partners ”.
- (4) In subsection (6)(a), after “a relationship by marriage” insert “ or civil partnership ”.

Housing Act 1988 (c. 50)

- 41 (1) Amend section 17 (succession to assured periodic tenancy by spouse) as follows.
- (2) In subsection (1), after “spouse” (in each place) insert “ or civil partner ”.
- (3) For subsection (4) substitute—

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 8 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- “(4) For the purposes of this section—
- (a) a person who was living with the tenant as his or her wife or husband shall be treated as the tenant’s spouse, and
 - (b) a person who was living with the tenant as if they were civil partners shall be treated as the tenant’s civil partner.”
- (4) In subsection (5), for the words after “the county court” substitute “ shall for the purposes of this section be treated (according to whether that one of them is of the opposite sex to, or of the same sex as, the tenant) as the tenant’s spouse or the tenant’s civil partner. ”
- 42 In section 82(1)(b) (after disposal by housing action trust, legal assistance may be given to surviving spouse of pre-disposal tenant), for “or widower” substitute “ , widower or surviving civil partner ”.
- 43 (1) Amend Schedule 2 (assured tenancies: grounds for possession) as follows.
- (2) In Part 1 (cases where court must order possession), in paragraph (b) of Ground 1 (landlord previously resident or requiring premises as residence for himself or his spouse), for “his or his spouse's” substitute “ his, his spouse’s or his civil partner's ”.
 - (3) In Part 2 (cases where court may order possession), in Ground 14A (violence by member of a couple)—
 - (a) for “a married couple or” substitute “ a married couple, a couple who are civil partners of each other, ” and
 - (b) after “as husband or wife” insert “ or a couple living together as if they were civil partners ”.
- 44 (1) Amend paragraph 3 of Schedule 3 (agricultural worker condition where dwelling occupied by surviving spouse or family member of previous qualifying occupier) as follows.
- (2) In sub-paragraphs (1)(c)(i), (3)(a) and (6), for “widow or widower” substitute “ surviving partner ”.
 - (3) For sub-paragraph (2) substitute—

“(2) For the purposes of sub-paragraph (1)(c)(i) above and sub-paragraph (3) below—

 - (a) “surviving partner” means widow, widower or surviving civil partner; and
 - (b) a surviving partner of the previous qualifying occupier of the dwelling-house is a qualifying surviving partner if that surviving partner was residing in the dwelling-house immediately before the previous qualifying occupier’s death.”
 - (4) For sub-paragraph (5) (person living as wife or husband with previous occupier) substitute—

“(5) For the purposes of sub-paragraph (2)(a) above—

 - (a) a person who, immediately before the previous qualifying occupier’s death, was living with the previous occupier as his or her wife or husband shall be treated as the widow or widower of the previous occupier, and

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 8 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) a person who, immediately before the previous qualifying occupier's death, was living with the previous occupier as if they were civil partners shall be treated as the surviving civil partner of the previous occupier."
- 45 (1) Amend paragraph 4 of Schedule 11 (exempted disposals by housing action trusts) as follows.
- (2) In sub-paragraph (2)(b) (meaning of "qualifying person" in definition of "exempted disposal"), after "the spouse or a former spouse" insert " , or the civil partner or a former civil partner, ".
- (3) In sub-paragraph (4) (disposals in pursuance of certain orders), after paragraph (d) insert " , or
- (e) Part 2 or 3 of Schedule 5, or paragraph 9 of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders, or orders for the sale of property, in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)."

Local Government and Housing Act 1989 (c. 42)

- 46 In paragraph 5(1)(c) of Schedule 10 (long residential tenancies: grounds for possession: premises required as residence for landlord or family member), for the words from "as a residence" to "mother and," substitute "as a residence for—
- (i) himself,
- (ii) any son or daughter of his over eighteen years of age,
- (iii) his father or mother, or
- (iv) the father, or mother, of his spouse or civil partner,
- and, ".

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

- 47 (1) Amend section 7 (meaning of "long lease") as follows.
- (2) In subsection (1)(b) (which refers to section 149(6) of the Law of Property Act 1925), after "terminable after a death or marriage" insert " or the formation of a civil partnership ".
- (3) In subsection (2) (exclusion of certain leases terminable by notice after death or marriage)—
- (a) for "a death or marriage" substitute " a death, a marriage or the formation of a civil partnership ", and
- (b) in paragraph (a), after "marriage of" insert " , or the formation of a civil partnership by, ".
- 48 In section 10(5) (members of family of resident landlord), for "wife or husband" (in each place) substitute " spouse or civil partner ".

Agricultural Tenancies Act 1995 (c. 8)

- 49 In section 7(3) (which refers to section 149(6) of the Law of Property Act 1925), after "marriage of" insert " , or formation of a civil partnership by, ".

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 8 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Housing Act 1996 (c. 52)

- 50 (1) Amend section 15 (relevant and exempted disposals) as follows.
- (2) In subsection (5)(b) (meaning of “qualifying person” in the definition of “exempted disposal”), after “the spouse or a former spouse” insert “, or the civil partner or a former civil partner,”.
- (3) In subsection (6) (disposals in pursuance of certain orders are exempt), after paragraph (d) insert “; or
- (e) Part 2 or 3 of Schedule 5, or paragraph 9 of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders, or orders for the sale of property, in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)”.
- 51 (1) Amend sections 62 and 140 (meaning of “member of a person’s family” in Part 1 and in Chapter 1 of Part 5) as follows.
- (2) In subsection (1)(a)—
- (a) after “spouse” insert “ or civil partner ”, and
- (b) after “live together as husband and wife” insert “ or as if they were civil partners ”.
- (3) In subsection (2)(a), after “a relationship by marriage” insert “ or civil partnership ”.
- 52 In section 132 (introductory tenancies: cases where tenant is successor), after subsection (2) insert—
- “(2A) A tenant to whom the tenancy was assigned in pursuance of an order under Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.) is a successor only if the other civil partner was a successor.”
- 53 (1) Amend section 133 (succession to introductory tenancy) as follows.
- (2) In subsection (2)(a) (spouse of deceased tenant is preferred successor), after “spouse” insert “ or civil partner ”.
- (3) In subsection (3)(a) (tenancy ceases to be introductory on vesting otherwise than in pursuance of certain orders), after “parents” in sub-paragraph (iii) insert “, or
- (iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)”.
- 54 In section 134(2)(a) (introductory tenancy may not be assigned except in pursuance of certain orders), after “parents” in sub-paragraph (iii) insert “, or
- (iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)”.
- 55 In section 143H(5)(a) (two or more successors to demoted tenancy), for “spouse or (if the tenant has no spouse)” substitute “ spouse or civil partner or (if the tenant has neither spouse nor civil partner) ”.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 8 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 56 In section 143I(3) (tenancy does not cease to be demoted tenancy if vested pursuant to certain orders), after paragraph (c) insert—
 - “(d) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).”
- 57 For paragraphs (a) and (b) of section 143J(5) (successor by assignment to secure tenancy terminated by demotion order) substitute—
 - “(a) the tenancy was assigned—
 - (i) in proceedings under section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings) or section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, etc.), or
 - (ii) in proceedings under Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.),
 - (b) where the tenancy was assigned as mentioned in paragraph (a)(i), neither he nor the other party to the marriage was a successor, and
 - (c) where the tenancy was assigned as mentioned in paragraph (a)(ii), neither he nor the other civil partner was a successor.”
- 58 In section 143K(2) (demoted tenancy may be assigned only in pursuance of certain orders), after paragraph (c) insert—
 - “(d) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).”
- 59 (1) Amend section 143P (meaning of “member of another’s family”) as follows.
 - (2) In subsection (1)(a), after “spouse” insert “ or civil partner ”.
 - (3) In subsection (3)(a), after “marriage” insert “ or civil partnership ”.
- 60 In section 160 (cases where provisions about allocations do not apply), in each of subsections (2)(e) and (3)(d) (cases where secure or introductory tenancy vests etc. in pursuance of certain orders), after sub-paragraph (iii) insert “, or
 - (iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).”

F161

Textual Amendments

F1 Sch. 8 para. 61 omitted (5.7.2021) by virtue of Domestic Abuse Act 2021 (c. 17), ss. 78(9)(a), 90(6); S.I. 2021/797, reg. 2(2) (with reg. 4(1))

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 8 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

- 62 In section 30(6)(a) (power to provide for financial position of others to be taken into account in means-testing applicant for grant), after “his spouse,” insert “ his civil partner, ”.
- 63 (1) In section 54(3) (disposals in pursuance of certain orders are exempt) as it has effect by virtue of article 11(2) of the 2002 Order (saving for certain purposes of repealed provisions), after paragraph (d) insert “; or
- (e) Part 2 or 3 of Schedule 5, or paragraph 9 of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders, or orders for the sale of property, in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).”
- (2) In sub-paragraph (1) “the 2002 Order” means the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860).

Commonhold and Leasehold Reform Act 2002 (c. 15)

- 64 In section 76(2)(c) (which refers to section 149(6) of the Law of Property Act 1925), after “terminable after a death or marriage” insert “ or the formation of a civil partnership ”.
- 65 In section 77(1) (“long lease”: exclusion of certain leases terminable by notice after death or marriage)—
- (a) for “a death or marriage” substitute “ a death, a marriage or the formation of a civil partnership ”, and
- (b) in paragraph (a), after “marriage of” insert “ , or the formation of a civil partnership by, ”.
- 66 In paragraph 3(8) of Schedule 6 (members of freeholder’s family whose occupation of premises excludes premises from right to manage), after “spouse” (in each place) insert “ or civil partner ”.

Status:

This version of this schedule contains provisions that are prospective.

Changes to legislation:

Civil Partnership Act 2004, SCHEDULE 8 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)