

Personal journal entry

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Law



THE ROLE OF THE APPELLATE JUDICIARY due: The role of Appellate Judiciary

In review of this topic, the focus is on the case study of same-sex relationship. In addition, the paper will describe the concerns surrounding the judicial interpretation of the term family in the legal proceedings of Fitzpatrick v Sterling Housing Association Ltd. In this given proceeding, the House of Lords held that the meaning of 'family' involved a same-sex partner of the departed tenant¹. This was for the purpose of the Rent Act 1977. The court agreed that Fitzpatrick could not succeed on the ground that he lived with the deceased as wife and husband. However, the court identified that this kind of relationship can contain important traits of family that symbolizes the changing social situations. It is clear that the number of individuals that qualify to be a family under the law has expanded².

The case clearly demonstrated that due to the changing modern beliefs the two men living together were 'family'. During the case, the court researched and confirmed a wide role meaning of 'family'. The idea is a collection of combined attributes that can be looked at independently or as an entity. The meaning of family can be confirmed when one analysis the supposed roles discharged in the relationship³. The judges in this legal resolution held that a difference could not be seen by a same-sex couple staying together and the opposite sexes couple, in terms of affection and love⁴.

In this case, Mr. Fitzpatrick succeeded on the basis of 'assured' tenant and not statutory tenant because he did not qualify as a spouse⁵. In addition, the ruling was made in consideration of the characteristics defined by the 1920 Act that were satisfied by Mr. Fitzpatrick and his partner that fell under the term 'family'⁶.

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