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# Family Law Act 1996

## CHAPTER 27

### FAMILY LAW ACT 1996

#### PART I

##### PRINCIPLES OF PARTS II AND III

- 1 The general principles underlying section 22.

#### PART II

##### DIVORCE AND SEPARATION

###### *Court orders*

- 2 Divorce and separation.
- 3 Circumstances in which orders are made.
- 4 Conversion of separation order into divorce order.

###### *Marital breakdown*

- 5 Marital breakdown.
- 6 Statement of marital breakdown.

###### *Reflection and consideration*

- 7 Period for reflection and consideration.
- 8 Attendance at information meetings.
- 9 Arrangements for the future.

###### *Orders preventing divorce*

- 10 Hardship: orders preventing divorce.

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### *Welfare of children*

- 11 Welfare of children.

### *Supplementary*

- 12 Rules about procedure

### *Resolution of disputes*

- 13 Directions with respect to mediation.  
14 Adjournments.

### *Financial provision*

- 15 Financial arrangements.  
16 .....  
17 .....  
18 Grounds for financial provision orders in magistrates' courts.

### *Jurisdiction and commencement of proceedings*

- 19 Jurisdiction in relation to divorce and separation.  
20 Time when proceedings for divorce or separation begin.

### *Intestacy*

- 21 Intestacy: effect of separation.

### *Marriage support services*

- 22 Funding for marriage support services.  
23 Provision of marriage counselling.

### *Interpretation*

- 24 Interpretation of Part II etc.  
25 Connected proceedings.

## **PART III**

### **LEGAL AID FOR MEDIATION IN FAMILY MATTERS**

- 26 Legal aid for mediation in family matters.  
27 Provision and availability of mediation.  
28 Payment for mediation.  
29 Mediation and civil legal aid.

## **PART IV**

### **FAMILY HOMES AND DOMESTIC VIOLENCE**

#### *Rights to occupy matrimonial home*

- 30 Rights concerning matrimonial home where one spouse has no estate, etc.  
31 Effect of matrimonial home rights as charge on dwelling-house.  
32 Further provisions relating to matrimonial home rights.

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### *Occupation orders*

- 33 Occupation orders where applicant has estate or interest etc. or has matrimonial home rights.
- 34 Effect of order under s. 33 where rights are charge on dwelling-house.
- 35 One former spouse with no existing right to occupy.
- 36 One cohabitant or former cohabitant with no existing right to occupy.
- 37 Neither spouse entitled to occupy.
- 38 Neither cohabitant or former cohabitant entitled to occupy.
- 39 Supplementary provisions.
- 40 Additional provisions that may be included in certain occupation orders.
- 41 Additional considerations if parties are cohabitants or former cohabitants.

### *Non-molestation orders*

- 42 Non-molestation orders.
- 42A Offence of breaching non-molestation order

### *Further provisions relating to occupation and non-molestation orders*

- 43 Leave of court required for applications by children under sixteen.
- 44 Evidence of agreement to marry.
- 45 Ex parte orders.
- 46 Undertakings.
- 47 Arrest for breach of order.
- 48 Remand for medical examination and report.
- 49 Variation and discharge of orders.

### *Enforcement powers of magistrates' courts*

- 50 Power of magistrates' court to suspend execution of committal order.
- 51 Power of magistrates' court to order hospital admission or guardianship.

### *Interim care orders and emergency protection orders*

- 52 Amendments of Children Act 1989.

### *Transfer of tenancies*

- 53 Transfer of certain tenancies.

### *Dwelling-house subject to mortgage*

- 54 Dwelling-house subject to mortgage.
- 55 Actions by mortgagees: joining connected persons as parties.
- 56 Actions by mortgagees: service of notice on certain persons.

### *Jurisdiction and procedure etc.*

- 57 Jurisdiction of courts.
- 58 Contempt proceedings.
- 59 Magistrates' courts.
- 60 Provision for third parties to act on behalf of victims of domestic violence.
- 61 Appeals.

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### *General*

- 62 Meaning of “cohabitants”, “relevant child” and “associated persons”.
- 63 Interpretation of Part IV.

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#### *Forced marriage protection orders*

- 63A Forced marriage protection orders
- 63B Contents of orders
- 63C Applications and other occasions for making orders
- 63CA Offence of breaching order

#### *Further provision about orders*

- 63D Ex parte orders: Part 4A
- 63E Undertakings instead of orders
- 63F Duration of orders
- 63G Variation of orders and their discharge

#### *Arrest for breach of orders*

- 63H Attachment of powers of arrest to orders
- 63I Arrest under attached powers
- 63J Arrest under warrant
- 63K Remand: general
- 63L Remand: medical examination and report

#### *Jurisdiction and procedure*

- 63M Jurisdiction of courts: Part 4A
- 63N Power to extend jurisdiction to magistrates' courts
- 63O Contempt proceedings: Part 4A
- 63P Appeals: Part 4A

#### *Supplementary*

- 63Q Guidance
- 63R Other protection or assistance against forced marriage
- 63S Interpretation of Part 4A

## **PART V**

### SUPPLEMENTAL

- 64 Provision for separate representation for children.
- 65 Rules, regulations and orders.
- 66 Consequential amendments, transitional provisions and repeals.
- 67 Short title, commencement and extent.

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## SCHEDULES

### SCHEDULE 1 — Arrangements for the future

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	<i>The first exemption</i>
1	.....
	<i>The second exemption</i>
2	.....
	<i>The third exemption</i>
3	.....
	<i>The fourth exemption</i>
4	.....
	<i>Court orders and agreements</i>
5	.....
	<i>Financial arrangements</i>
6	.....
	<i>Negotiated agreements</i>
7	.....
	<i>Declarations</i>
8	.....
	<i>Interpretation</i>
9	.....
SCHEDULE 2 — Financial provision	
	<i>Introductory</i>
1	.....
	<i>The orders</i>
2	.....
	<i>Financial provision: divorce and separation</i>
3	.....
	<i>Financial provision: nullity of marriage</i>
4	.....
	<i>Property adjustment orders: divorce and separation</i>
5	.....

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*Property adjustment orders: nullity*

6 .....

*Pension sharing orders: divorce and nullity*

6A .....

*Period of secured and unsecured payments orders*

7 .....

*Variations et cetera etc. following reconciliations*

8 .....

SCHEDULE 3 — Stay of proceedings

*Introductory*

1 .....

*Interpretation*

2 .....

3 .....

4 .....

*Duty to furnish particulars of concurrent proceedings*

5 .....

*Obligatory stays in divorce cases*

6 .....

*Discretionary stays*

7 .....

*Discharge of orders*

8 .....

*Ancillary matters*

9 .....

SCHEDULE 4 — Provisions supplementary to sections 30 and 31

*Interpretation*

1 (1) In this Schedule— (a) any reference to a solicitor...

*Restriction on registration where spouse entitled to more than one charge*

2 Where one spouse is entitled by virtue of section 31...

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*Contract for sale of house affected by registered charge to include term requiring cancellation of registration before completion*

- 3 (1) Where one spouse is entitled by virtue of section...

*Cancellation of registration after termination of marriage, etc.*

- 4 (1) Where a spouse's matrimonial home rights are a charge...

*Release of matrimonial home rights*

- 5 (1) A spouse entitled to matrimonial home rights may by...

*Postponement of priority of charge*

- 6 A spouse entitled by virtue of section 31 to a...

SCHEDULE 5 — Powers of High Court and county court to remand

*Interpretation*

- 1 In this Schedule “the court” means the High Court or...

*Remand in custody or on bail*

- 2 (1) Where a court has power to remand a person...

*Further remand*

- 3 (1) If the court is satisfied that any person who...

*Postponement of taking of recognizance*

- 4 Where under paragraph 2(1)(b)(ii) the court fixes the amount in...

SCHEDULE 6 — Amendments of Children Act 1989

- 1 After section 38 of the Children Act 1989 insert— Power...  
2 In section 39 of the Children Act 1989 (discharge and...  
3 After section 44 of the Children Act 1989 insert— Power...  
4 In section 45 of the Children Act 1989 (duration of...  
5 In section 105(1) of the Children Act 1989 (interpretation), after...

SCHEDULE 7 — Transfer of certain tenancies on divorce etc. or on separation of cohabitants

Part I — GENERAL

*Interpretation*

- 1 In this Schedule— “cohabitant”, except in paragraph 3, includes (where...

*Cases in which the court may make an order*

- 2 (1) This paragraph applies if one spouse is entitled, either...  
3 (1) This paragraph applies if one cohabitant is entitled, either...  
4 The court shall not make a Part II order unless...

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*Matters to which the court must have regard*

- 5 In determining whether to exercise its powers under Part II...  
Part II — ORDERS THAT MAY BE MADE

*References to entitlement to occupy*

- 6 References in this Part of this Schedule to a spouse...

*Protected, secure or assured tenancy or assured agricultural occupancy*

- 7 (1) If a spouse or cohabitant is entitled to occupy...

*Statutory tenancy within the meaning of the Rent Act 1977*

- 8 (1) This paragraph applies if the spouse or cohabitant is...

*Statutory tenancy within the meaning of the Rent (Agriculture) Act 1976*

- 9 (1) This paragraph applies if the spouse or cohabitant is...  
Part III — SUPPLEMENTARY PROVISIONS

*Compensation*

- 10 (1) If the court makes a Part II order, it...

*Liabilities and obligations in respect of the dwelling-house*

- 11 (1) If the court makes a Part II order, it...

*Date when order made between spouses is to take effect*

- 12 (1) In the case of a decree of nullity of...

*Remarriage of either spouse*

- 13 (1) If after the making of a divorce order or...

*Rules of court*

- 14 (1) Rules of court shall be made requiring the court,...

*Saving for other provisions of Act*

- 15 (1) If a spouse is entitled to occupy a dwelling-house...

SCHEDULE 8 — Minor and consequential amendments  
Part I — AMENDMENTS CONNECTED WITH PART II

*The Wills Act 1837 (c. 26)*

- 1 .....

*The Judicial Proceedings (Regulation of Reports) Act 1926 (c. 61)*

- 2 .....

*The Maintenance Orders Act 1950 (c. 37)*

- 3 .....



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*The Matrimonial Causes Act 1973 (c. 18)*

4	The 1973 Act is amended as follows.
5	.....
6	.....
7	.....
8	.....
9	.....
10	.....
11	.....
11A	.....
12	.....
13	.....
14	.....
15	.....
16	(1) Section 31 (variation etc. of orders) is amended as...
16A	.....
17	.....
18	.....
19	.....
20	.....
21	.....
22	.....
23	.....
24	.....
25	.....
25A	.....

*The Domicile and Matrimonial Proceedings Act 1973 (c. 45)*

26	.....
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*The Inheritance (Provision for Family and Dependants) Act 1975 (c. 63)*

27	.....
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*The Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)*

28	.....
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*The Housing Act 1980 (c. 51)*

29	.....
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*Senior Courts Act 1981(c. 54)*

30	.....
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*The Civil Jurisdiction and Judgments Act 1982 (c. 27)*

31	.....
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*The Matrimonial and Family Proceedings Act 1984 (c. 42)*

32	.....
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*The Finance Act 1985 (c. 54)*

33 .....

*The Housing Act 1985 (c. 68)*

34 .....

*The Housing Associations Act 1985 (c. 69)*

35 .....

*The Agricultural Holdings Act 1986 (c. 5)*

36 .....

*The Family Law Act 1986 (c. 55)*

37 .....

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

38 .....

*The Legal Aid Act 1988 (c. 34)*

39 .....

*The Housing Act 1988 (c. 50)*

40 .....

*The Children Act 1989 (c. 41)*

41 .....

*The Local Government and Housing Act 1989 (c. 42)*

42 .....

*Pensions Act 1995 (c. 26)*

43 .....

*The Welfare Reform and Pensions Act 1999*

43A .....

Part II — AMENDMENTS CONNECTED WITH PART III

*The Legal Aid Act 1988 (c. 34)*

44 (1) The 1988 Act is amended as follows.

Part III — AMENDMENTS CONNECTED WITH PART IV

*The Land Registration Act 1925 (c. 21)*

45 In section 64 of the Land Registration Act 1925 (certificates...

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*The Land Charges Act 1972 (c. 61)*

- 46 In section 1(6A) of the Land Charges Act 1972 (cases...
- 47 In section 2(7) of that Act (Class F land charge)...

*The Land Compensation Act 1973 (c. 26)*

- 48 (1) Section 29A of the Land Compensation Act 1973 (spouses...

*The Magistrates' Courts Act 1980 (c. 43)*

- 49 In section 65(1) of the Magistrates' Courts Act 1980 (meaning...

*The Contempt of Court Act 1981 (c. 49)*

- 50 In Schedule 3 to the Contempt of Court Act 1981...

*The Supreme Court Act 1981 (c. 54)*

- 51 In Schedule 1 to the Supreme Court Act 1981 (distribution...

*The Matrimonial and Family Proceedings Act 1984 (c. 42)*

- 52 For section 22 of the Matrimonial and Family Proceedings Act...

*The Housing Act 1985 (c. 68)*

- 53 (1) Section 85 of the Housing Act 1985 (extended discretion...
- 54 In section 99B of that Act (persons qualifying for compensation...
- 55 In section 101 of that Act (rent not to be...
- 56 In section 171B of that Act (extent of preserved right...

*The Insolvency Act 1986 (c. 45)*

- 57 (1) Section 336 of the Insolvency Act 1986 (rights of...
- 58 (1) Section 337 of that Act is amended as follows....

*The Housing Act 1988 (c. 50)*

- 59 (1) Section 9 of the Housing Act 1988 (extended discretion...

*The Children Act 1989 (c. 41)*

- 60 (1) In section 8(4) of the Children Act 1989 (meaning...

*The Courts and Legal Services Act 1990 (c. 41)*

- 61 In section 58 of the Courts and Legal Services Act...

SCHEDULE 9 — Modifications, saving and transitional

*Transitional arrangements for those who have been living apart*

- 1 (1) The Lord Chancellor may by order provide for the...

*Modifications of enactments etc.*

- 2 (1) The Lord Chancellor may by order make such consequential...
- 3 If an Act or subordinate legislation— (a) refers to an...

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*Expressions used in paragraphs 2 and 3*

- 4 In paragraphs 2 and 3— ... .. “subordinate legislation”...

*Proceedings under way*

- 5 (1) Except for paragraph 6 of this Schedule, nothing in...  
6 (1) Section 31 of the 1973 Act has effect as...

*Interpretation*

- 7 In paragraphs 8 to 15 “the 1983 Act” means the...

*Pending applications for orders relating to occupation and molestation*

- 8 (1) In this paragraph and paragraph 10 “the existing enactments”...

*Pending applications under Schedule 1 to the Matrimonial Homes Act 1983*

- 9 Nothing in Part IV, Part III of Schedule 8 or...

*Existing orders relating to occupation and molestation*

- 10 (1) In this paragraph “an existing order” means any order...

*Matrimonial home rights*

- 11 (1) Any reference (however expressed) in any enactment, instrument  
or..  
12 (1) Any reference (however expressed) in any enactment, instrument  
or..  
13 In sections 30 and 31 and Schedule 4—  
14 Neither section 31(11) nor the repeal by the Matrimonial Homes...  
15 Nothing in this Schedule is to be taken to prejudice...

SCHEDULE 10 — Repeals

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