

Status: Point in time view as at 05/12/2005.

Changes to legislation: Family Law Act 1996, Cross Heading: Contract for sale of house affected by registered charge to include term requiring cancellation of registration before completion is up to date with all changes known to be in force on or before 28 May 2023. 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)

SCHEDULES

SCHEDULE 4

PROVISIONS SUPPLEMENTARY TO SECTIONS 30 AND 31

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

- 3 (1) Where one spouse [^{F1}or civil partner] is entitled by virtue of section 31 to a charge on an estate in a dwelling-house and the charge is registered under section 31(10) or section 2 of the Land Charges Act 1972, it shall be a term of any contract for the sale of that estate whereby the vendor agrees to give vacant possession of the dwelling-house on completion of the contract that the vendor will before such completion procure the cancellation of the registration of the charge at his expense.
- (2) Sub-paragraph (1) shall not apply to any such contract made by a vendor who is entitled to sell the estate in the dwelling-house freed from any such charge.
- (3) If, on the completion of such a contract as is referred to in sub-paragraph (1), there is delivered to the purchaser or his solicitor an application by the spouse [^{F2}or civil partner] entitled to the charge for the cancellation of the registration of that charge, the term of the contract for which sub-paragraph (1) provides shall be deemed to have been performed.
- (4) This paragraph applies only if and so far as a contrary intention is not expressed in the contract.
- (5) This paragraph shall apply to a contract for exchange as it applies to a contract for sale.
- (6) This paragraph shall, with the necessary modifications, apply to a contract for the grant of a lease or underlease of a dwelling-house as it applies to a contract for the sale of an estate in a dwelling-house.

Textual Amendments

- F1** Words in [Sch. 4 para. 3\(1\)](#) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 82, 263, [Sch. 9 para. 15\(3\)](#); S.I. 2005/3175, [art. 2\(1\)](#), [Sch. 1](#)
- F2** Words in [Sch. 4 para. 3\(3\)](#) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 82, 263, [Sch. 9 para. 15\(3\)](#); S.I. 2005/3175, [art. 2\(1\)](#), [Sch. 1](#)

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