

Status: Point in time view as at 05/12/2005. This version of this provision has been superseded.

Changes to legislation: Family Law Act 1996, Paragraph 3 is up to date with all changes known to be in force on or before 24 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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