



# Family Law Act 1996

## 1996 CHAPTER 27

### PART IV

#### FAMILY HOMES AND DOMESTIC VIOLENCE

##### *Occupation orders*

#### **39 Supplementary provisions**

- (1) In this Part an “occupation order” means an order under section 33, 35, 36, 37 or 38.
- (2) An application for an occupation order may be made in other family proceedings or without any other family proceedings being instituted.
- (3) If—
  - (a) an application for an occupation order is made under section 33, 35, 36, 37 or 38, and
  - (b) the court considers that it has no power to make the order under the section concerned, but that it has power to make an order under one of the other sections,the court may make an order under that other section.
- (4) The fact that a person has applied for an occupation order under sections 35 to 38, or that an occupation order has been made, does not affect the right of any person to claim a legal or equitable interest in any property in any subsequent proceedings (including subsequent proceedings under this Part).