



# Family Law Act 1996

## 1996 CHAPTER 27

### PART IV

#### FAMILY HOMES AND DOMESTIC VIOLENCE

##### *Occupation orders*

#### **40 Additional provisions that may be included in certain occupation orders.**

- (1) The court may on, or at any time after, making an occupation order under section 33, 35 or 36—
  - (a) impose on either party obligations as to—
    - (i) the repair and maintenance of the dwelling-house; or
    - (ii) the discharge of rent, mortgage payments or other outgoings affecting the dwelling-house;
  - (b) order a party occupying the dwelling-house or any part of it (including a party who is entitled to do so by virtue of a beneficial estate or interest or contract or by virtue of any enactment giving him the right to remain in occupation) to make periodical payments to the other party in respect of the accommodation, if the other party would (but for the order) be entitled to occupy the dwelling-house by virtue of a beneficial estate or interest or contract or by virtue of any such enactment;
  - (c) grant either party possession or use of furniture or other contents of the dwelling-house;
  - (d) order either party to take reasonable care of any furniture or other contents of the dwelling-house;
  - (e) order either party to take reasonable steps to keep the dwelling-house and any furniture or other contents secure.
- (2) In deciding whether and, if so, how to exercise its powers under this section, the court shall have regard to all the circumstances of the case including—
  - (a) the financial needs and financial resources of the parties; and

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**Changes to legislation:** Family Law Act 1996, Section 40 is up to date with all changes known to be in force on or before 14 April 2024. 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) [View outstanding changes](#)

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- (b) the financial obligations which they have, or are likely to have in the foreseeable future, including financial obligations to each other and to any relevant child.
- (3) An order under this section ceases to have effect when the occupation order to which it relates ceases to have effect.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 63(2)(k) inserted by [2021 c. 17 s. 52\(2\)](#)