



Family Law Act 1996

1996 CHAPTER 27

PART IV

FAMILY HOMES AND DOMESTIC VIOLENCE

Dwelling-house subject to mortgage

55 Actions by mortgagees: joining connected persons as parties.

- (1) This section applies if a mortgagee of land which consists of or includes a dwelling-house brings an action in any court for the enforcement of his security.
- (2) A connected person who is not already a party to the action is entitled to be made a party in the circumstances mentioned in subsection (3).
- (3) The circumstances are that—
 - (a) the connected person is enabled by section 30(3) or (6) (or by section 30(3) or (6) as applied by section 35(13) or 36(13)), to meet the mortgagor's liabilities under the mortgage;
 - (b) he has applied to the court before the action is finally disposed of in that court; and
 - (c) the court sees no special reason against his being made a party to the action and is satisfied—
 - (i) that he may be expected to make such payments or do such other things in or towards satisfaction of the mortgagor's liabilities or obligations as might affect the outcome of the proceedings; or
 - (ii) that the expectation of it should be considered under section 36 of the ^{MI}Administration of Justice Act 1970.
- (4) In this section "connected person" has the same meaning as in section 54.

Status: Point in time view as at 01/10/1997.

Changes to legislation: Family Law Act 1996, Section 55 is up to date with all changes known to be in force on or before 25 August 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)

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