



# Family Law Act 1996

## 1996 CHAPTER 27

### PART IV

#### FAMILY HOMES AND DOMESTIC VIOLENCE

##### *Occupation orders*

#### **37 Neither spouse [<sup>F1</sup>or civil partner] entitled to occupy.**

(1) This section applies if—

- (a) one spouse or former spouse and the other spouse or former spouse occupy a dwelling-house which is or was the matrimonial home; but
- (b) neither of them is entitled to remain in occupation—
  - (i) by virtue of a beneficial estate or interest or contract; or
  - (ii) by virtue of any enactment giving him the right to remain in occupation.

[<sup>F2</sup>(1A) This section also applies if—

- (a) one civil partner or former civil partner and the other civil partner or former civil partner occupy a dwelling-house which is or was the civil partnership home; but
- (b) neither of them is entitled to remain in occupation—
  - (i) by virtue of a beneficial estate or interest or contract; or
  - (ii) by virtue of any enactment giving him the right to remain in occupation.]

(2) Either of the parties may apply to the court for an order against the other under this section.

(3) An order under this section may—

- (a) require the respondent to permit the applicant to enter and remain in the dwelling-house or part of the dwelling-house;

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*Changes to legislation: Family Law Act 1996, Section 37 is up to date with all changes known to be in force on or before 19 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) regulate the occupation of the dwelling-house by either or both of the [<sup>F3</sup>parties];
  - (c) require the respondent to leave the dwelling-house or part of the dwelling-house; or
  - (d) exclude the respondent from a defined area in which the dwelling-house is included.
- (4) Subsections (6) and (7) of section 33 apply to the exercise by the court of its powers under this section as they apply to the exercise by the court of its powers under subsection (3) of that section.
- (5) An order under this section must be limited so as to have effect for a specified period not exceeding six months, but may be extended on one or more occasions for a further specified period not exceeding six months.

#### Textual Amendments

- F1** Words in s. 37 heading inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 8(4)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F2** S. 37(1A) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 8(1)(2)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F3** Word in s. 37(3)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 8(1)(3)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

**Changes to legislation:**

Family Law Act 1996, Section 37 is up to date with all changes known to be in force on or before 19 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.

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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\(2\)](#)