



# Family Law Act 1996

## 1996 CHAPTER 27

### PART IV

#### FAMILY HOMES AND DOMESTIC VIOLENCE

##### *Occupation orders*

#### **37 Neither spouse 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.
- (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;
  - (b) regulate the occupation of the dwelling-house by either or both of the spouses;
  - (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.

---

*Status: This is the original version (as it was originally enacted).*

---

- (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.