



Family Law Act 1996

1996 CHAPTER 27

PART IV

FAMILY HOMES AND DOMESTIC VIOLENCE

Dwelling-house subject to mortgage

54 Dwelling-house subject to mortgage.

- (1) In determining for the purposes of this Part whether a person is entitled to occupy a dwelling-house by virtue of an estate or interest, any right to possession of the dwelling-house conferred on a mortgagee of the dwelling-house under or by virtue of his mortgage is to be disregarded.
- (2) Subsection (1) applies whether or not the mortgagee is in possession.
- (3) Where a person (“A”) is entitled to occupy a dwelling-house by virtue of an estate or interest, a connected person does not by virtue of—
 - (a) any [^{F1}home rights] conferred by section 30, or
 - (b) any rights conferred by an order under section 35 or 36,have any larger right against the mortgagee to occupy the dwelling-house than A has by virtue of his estate or interest and of any contract with the mortgagee.
- (4) Subsection (3) does not apply, in the case of [^{F1}home rights], if under section 31 those rights are a charge, affecting the mortgagee, on the estate or interest mortgaged.
- (5) In this section “connected person”, in relation to any person, means that person’s spouse, former spouse [^{F2}, civil partner, former civil partner], cohabitant or former cohabitant.

Textual Amendments

- F1** Words in s. 54(3)(a)(4) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 82, 263, [Sch. 9 para. 12\(1\)\(2\)](#); S.I. 2005/3175, [art. 2\(1\)](#), [Sch. 1](#)

Changes to legislation: Family Law Act 1996, Section 54 is up to date with all changes known to be in force on or before 25 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

F2 Words in s. 54(5) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 12(1)(3)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

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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\(2\)](#)