



Family Law Act 1996

1996 CHAPTER 27

PART IV

FAMILY HOMES AND DOMESTIC VIOLENCE

Occupation orders

34 Effect of order under s. 33 where rights are charge on dwelling-house.

- (1) If [^{F1}B's home rights] are a charge on the estate or interest of [^{F2}A] or of trustees for [^{F2}A]—
- (a) an order under section 33 against [^{F2}A] has, except so far as a contrary intention appears, the same effect against persons deriving title under [^{F2}A] or under the trustees and affected by the charge, and
 - (b) sections 33(1), (3), (4) and (10) and 30(3) to (6) apply in relation to any person deriving title under [^{F2}A] or under the trustees and affected by the charge as they apply in relation to [^{F2}A].
- (2) The court may make an order under section 33 by virtue of subsection (1)(b) if it considers that in all the circumstances it is just and reasonable to do so.

Textual Amendments

- F1** Words in s. 34(1) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 82, 263, [Sch. 9 para. 5\(a\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F2** Word in s. 34(1) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 82, 263, [Sch. 9 para. 5\(b\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1

Changes to legislation:

Family Law Act 1996, Section 34 is up to date with all changes known to be in force on or before 11 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.

[View outstanding changes](#)

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\(2\)](#)