



# Family Law Act 1996

## 1996 CHAPTER 27

### PART IV

#### FAMILY HOMES AND DOMESTIC VIOLENCE

##### *Rights to occupy matrimonial [F1 or civil partnership] home*

### **30 Rights concerning [F1 home where one spouse or civil partner] has no estate, etc.**

- (1) This section applies if—
- (a) one spouse [F2 or civil partner (“A”)] is entitled to occupy a dwelling-house by virtue of—
    - (i) a beneficial estate or interest or contract; or
    - (ii) any enactment giving [F3 A] the right to remain in occupation; and
  - (b) the other spouse [F4 or civil partner (“B”)] is not so entitled.
- (2) Subject to the provisions of this Part, [F5 B] has the following rights ([F6 “home rights”])—
- (a) if in occupation, a right not to be evicted or excluded from the dwelling-house or any part of it by [F7 A] except with the leave of the court given by an order under section 33;
  - (b) if not in occupation, a right with the leave of the court so given to enter into and occupy the dwelling-house.
- (3) If [F8 B] is entitled under this section to occupy a dwelling-house or any part of a dwelling-house, any payment or tender made or other thing done by [F8 B] in or towards satisfaction of any liability of [F9 A] in respect of rent, mortgage payments or other outgoings affecting the dwelling-house is, whether or not it is made or done in pursuance of an order under section 40, as good as if made or done by [F9 A].
- (4) [F10 B's] occupation by virtue of this section—

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- (a) is to be treated, for the purposes of the <sup>M1</sup>Rent (Agriculture) Act 1976 and the <sup>M2</sup>Rent Act 1977 (other than Part V and sections 103 to 106 of that Act), as occupation [<sup>F11</sup>by A as A's] residence, and
  - (b) if [<sup>F12</sup>B occupies the dwelling-house as B's] only or principal home, is to be treated, for the purposes of the <sup>M3</sup>Housing Act 1985 [<sup>F13</sup>, Part I of the Housing Act 1988 [<sup>F14</sup>, Chapter 1 of Part 5 of the Housing Act 1996 and the Prevention of Social Housing Fraud Act 2013]], as occupation [<sup>F15</sup>by A as A's] only or principal home.
- (5) If [<sup>F16</sup>B]—
- (a) is entitled under this section to occupy a dwelling-house or any part of a dwelling-house, and
  - (b) makes any payment in or towards satisfaction of any liability of [<sup>F17</sup>A] in respect of mortgage payments affecting the dwelling-house,
- the person to whom the payment is made may treat it as having been made by [<sup>F18</sup>A], but the fact that that person has treated any such payment as having been so made does not affect any claim of [<sup>F19</sup>B against A] to an interest in the dwelling-house by virtue of the payment.
- (6) If [<sup>F20</sup>B] is entitled under this section to occupy a dwelling-house or part of a dwelling-house by reason of an interest of [<sup>F21</sup>A] under a trust, all the provisions of subsections (3) to (5) apply in relation to the trustees as they apply in relation to [<sup>F21</sup>A].
- (7) This section does not apply to a dwelling-house [<sup>F22</sup> which—
- (a) in the case of spouses, has at no time been, and was at no time intended by them to be, a matrimonial home of theirs; and
  - (b) in the case of civil partners, has at no time been, and was at no time intended by them to be, a civil partnership home of theirs.]
- (8) [<sup>F23</sup>B's home rights] continue—
- (a) only so long as the marriage [<sup>F24</sup>or civil partnership] subsists, except to the extent that an order under section 33(5) otherwise provides; and
  - (b) only so long as [<sup>F25</sup>A] is entitled as mentioned in subsection (1) to occupy the dwelling-house, except where provision is made by section 31 for those rights to be a charge on an estate or interest in the dwelling-house.
- (9) It is hereby declared that [<sup>F26</sup>a person]—
- (a) who has an equitable interest in a dwelling-house or in its proceeds of sale, but
  - (b) is not [<sup>F26</sup>a person] in whom there is vested (whether solely or as joint tenant) a legal estate in fee simple or a legal term of years absolute in the dwelling-house,
- is to be treated, only for the purpose of determining whether he has [<sup>F27</sup>home rights], as not being entitled to occupy the dwelling-house by virtue of that interest.

#### Textual Amendments

- F1** Words in s. 30 heading substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 82, 263, [Sch. 9 para. 1\(1\)\(11\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F2** Words in s. 30(1)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 82, 263, [Sch. 9 para. 1\(1\)\(2\)\(a\)\(i\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F3** Words in s. 30(1)(a) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 82, 263, [Sch. 9 para. 1\(1\)\(2\)\(a\)\(ii\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1

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- F4** Words in s. 30(1)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(2)(b)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F5** Words in s. 30(2) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(3)(a)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F6** Words in s. 30(2) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(3)(b)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F7** Words in s. 30(2)(a) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(3)(c)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F8** Words in s. 30(3) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(4)(a)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F9** Words in s. 30(3) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(4)(b)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F10** Words in s. 30(4) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(5)(a)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F11** Words in s. 30(4)(a) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(5)(b)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F12** Words in s. 30(4)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(5)(c)(i)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F13** Words in s. 30(4)(b) substituted (12.2.1997) by S.I. 1997/74, **art. 2**, **Sch. para. 10(a)**
- F14** Words in s. 30(4)(b) substituted (15.10.2013 for E., 5.11.2013 for W.) by Prevention of Social Housing Fraud Act 2013 (c. 3), s. 12, **Sch. para. 6**; S.I. 2013/2622, **art. 2**; S.I. 2013/2861, **art. 2**
- F15** Words in s. 30(4)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(5)(c)(ii)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F16** Words in s. 30(5) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(6)(a)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F17** Words in s. 30(5)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(6)(b)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F18** Word in s. 30(5) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(6)(c)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F19** Words in s. 30(5) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(6)(d)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F20** Word in s. 30(6) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(7)(a)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F21** Word in s. 30(6) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(7)(b)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F22** Words in s. 30(7) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(8)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F23** Words in s. 30(8) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(9)(a)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F24** Words in s. 30(8)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(9)(b)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F25** Word in s. 30(8)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(9)(c)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F26** Words in s. 30(9) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(10)(a)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F27** Words in s. 30(9) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 1(1)(10)(b)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

#### Marginal Citations

- M1** 1976 c. 80.  
**M2** 1977 c. 42.  
**M3** 1985 c. 68.

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