



# Matrimonial Homes Act 1983 (repealed 1.10.1997)

## 1983 CHAPTER 19

### 4 Contract for sale of house affected by registered charge to include term requiring cancellation of registration before completion.

- (1) Where one spouse is entitled by virtue of section 2 above to a charge on an estate in a dwelling house and the charge is registered under section 2 of the Land Charges Act 1972 or section 2(8) above, it shall be a term of any contract for the sale of that estate whereby the vendor agrees to give vacant possession of the dwelling house on completion of the contract that the vendor will before such completion procure the cancellation of the registration of the charge at his expense.
- (2) Subsection (1) above shall not apply to any such contract made by a vendor who is entitled to sell the estate in the dwelling house freed from any such charge.
- (3) If, on the completion of such a contract as is referred to in subsection (1) above, there is delivered to the purchaser or his solicitor an application by the spouse entitled to the charge for the cancellation of the registration of that charge, the term of the contract for which subsection (1) above provides shall be deemed to have been performed.
- (4) This section applies only if and so far as a contrary intention is not expressed in the contract.
- (5) This section shall apply to a contract for exchange as it applies to a contract for sale.
- (6) This section shall, with the necessary modifications, apply to a contract for the grant of a lease or underlease of a dwelling house as it applies to a contract for the sale of an estate in a dwelling house.

#### Modifications etc. (not altering text)

- C1** Ss. 4(3), 6(2) extended by [Administration of Justice Act 1985 \(c. 61, SIF 76:1\)](#), s. **34(2)(f)**
- C2** Ss. 4(3), 6(2) extended (*prosp.*) by [Administration of Justice Act 1985 \(c. 61, SIF 76:1\)](#), ss. 9, 68, **Sch. 2 para. 37(e)**

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**Status:** Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:** There are currently no known outstanding effects for the Matrimonial Homes Act 1983 (repealed 1.10.1997), Section 4. (See end of Document for details)

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- C3** Ss. 4(3), 6(2) extended (*prosp.*) by Building Societies Act 1986 (c.53, SIF 16), ss. 122, 124, 126(4), **Sch 21 para. 9(f)** (but the said section 124 (which induces Sch. 21) is repealed (*prosp.*) by Courts and Legal Services Act 1990 (c.41, SIF 76:1) ss. 124(3), 125(7), Sch. 20)

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Matrimonial Homes Act 1983 (repealed 1.10.1997), Section 4.