



Family Law Act 1996

1996 CHAPTER 27

PART IV **E+W**

FAMILY HOMES AND DOMESTIC VIOLENCE

Occupation orders

39 Supplementary provisions. **E+W**

- (1) In this Part an “occupation order” means an order under section 33, 35, 36, 37 or 38.
- (2) An application for an occupation order may be made in other family proceedings or without any other family proceedings being instituted.
- (3) If—
 - (a) an application for an occupation order is made under section 33, 35, 36, 37 or 38, and
 - (b) the court considers that it has no power to make the order under the section concerned, but that it has power to make an order under one of the other sections,the court may make an order under that other section.
- (4) The fact that a person has applied for an occupation order under sections 35 to 38, or that an occupation order has been made, does not affect the right of any person to claim a legal or equitable interest in any property in any subsequent proceedings (including subsequent proceedings under this Part).

Changes to legislation:

Family Law Act 1996, Section 39 is up to date with all changes known to be in force on or before 23 June 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\(2\)](#)