

One purpose of the Family Law Act 1996 (referred to as 'The Act' within the rest of this Fact Sheet), is to protect the rights of occupation of a husband or wife, in respect of the matrimonial home. These rights will be especially important if you have been deserted or your marriage is in danger of breaking down. The rights protect you from anyone who might acquire an interest in your home from your spouse, and ensures that they do not exclude you from the property.

If your spouse is the sole owner of the house where you last lived together as man and wife you have a legal right (Matrimonial Home Rights) to live in the house. To protect this right you must register a Notice at the Land Registry which warns anyone who searches the register of your right to live in the property.

This Notice is only valid while you are married (i.e. until Decree Absolute within Divorce proceedings) unless there is a Court Order to the contrary.

Unless your rights have been protected by registration, they cannot be enforced against certain people who acquire an interest in the house (usually a purchaser). The method of protection of your rights will vary according to whether or not your spouse's ownership of the house is registered with the Land Registry. If your spouse's interest in the house is registered under the Land Registrations Acts, your rights can be protected by a "Notice" in the register kept by HM Land Registry.

If your spouse's ownership of the house is not registered then your rights can be protected by a "Class F Land Charge" in the records kept by the Land Charges Department. Therefore, if you think that your spouse is about to sell or re-mortgage the house without your consent it is vital that you protect your rights.

If the house is jointly owned by the husband and the wife no action is needed.

Please note that you can only register protection for one house at a time.
