



Family Law Act 1996

1996 CHAPTER 27

PART IV

FAMILY HOMES AND DOMESTIC VIOLENCE

Further provisions relating to occupation and non-molestation orders

49 Variation and discharge of orders.

- (1) An occupation order or non-molestation order may be varied or discharged by the court on an application by—
 - (a) the respondent, or
 - (b) the person on whose application the order was made.
- (2) In the case of a non-molestation order made by virtue of section 42(2)(b), the order may be varied or discharged by the court even though no such application has been made.
- (3) If [^{F1}B's home rights are, under section 31,] are a charge on the estate or interest of [^{F2}A] or of trustees for [^{F2}A], an order under section 33 against [^{F2}A] may also be varied or discharged by the court on an application by any person deriving title under [^{F2}A] or under the trustees and affected by the charge.
- (4) If, by virtue of section 47(3), a power of arrest has been attached to certain provisions of an occupation order ^{F3}. . . , the court may vary or discharge the order under subsection (1) in so far as it confers a power of arrest (whether or not any application has been made to vary or discharge any other provision of the order).

Textual Amendments

- F1** Words in s. 49(3) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 82, 263, [Sch. 9 para. 11\(a\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F2** Words in s. 49(3) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 82, 263, [Sch. 9 para. 11\(b\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1

Changes to legislation: Family Law Act 1996, Section 49 is up to date with all changes known to be in force on or before 22 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. (See end of Document for details) [View outstanding changes](#)

F3 Words in s. 49(4) repealed (1.7.2007) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1)(2), 60, Sch. 10 para. 39, **Sch. 11** (with Sch. 12 para. 1(11)); S.I. 2007/1845, **art. 2(c)(d)** (with art. 3)

Changes to legislation:

Family Law Act 1996, Section 49 is up to date with all changes known to be in force on or before 22 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\(2\)](#)