



# Family Law Act 1996

## 1996 CHAPTER 27

### PART IV

#### FAMILY HOMES AND DOMESTIC VIOLENCE

##### *General*

#### **62 Meaning of “cohabitants”, “relevant child” and “associated persons”.**

- (1) For the purposes of this Part—
- (a) “cohabitants” are [<sup>F1</sup>[<sup>F2</sup>two persons who are neither married to each other nor civil partners of each other but are living together [<sup>F3</sup>as if they were a married couple or] civil partners;] and]
  - (b) [<sup>F4</sup>“cohabit” and “former cohabitants” are to be read accordingly, but the latter expression] does not include cohabitants who have subsequently married each other [<sup>F5</sup>or become civil partners of each other].
- (2) In this Part, “relevant child”, in relation to any proceedings under this Part, means—
- (a) any child who is living with or might reasonably be expected to live with either party to the proceedings;
  - (b) any child in relation to whom an order under the <sup>M1</sup>Adoption Act 1976 [<sup>F6</sup>, the Adoption and Children Act 2002] or the <sup>M2</sup>Children Act 1989 is in question in the proceedings; and
  - (c) any other child whose interests the court considers relevant.
- (3) For the purposes of this Part, a person is associated with another person if—
- (a) they are or have been married to each other;
  - [<sup>F7</sup>(aa) they are or have been civil partners of each other;]
  - (b) they are cohabitants or former cohabitants;
  - (c) they live or have lived in the same household, otherwise than merely by reason of one of them being the other’s employee, tenant, lodger or boarder;
  - (d) they are relatives;

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- (e) they have agreed to marry one another (whether or not that agreement has been terminated);
  - [<sup>F8</sup>(ea) they have or have had an intimate personal relationship with each other which is or was of significant duration;]
  - [<sup>F9</sup>(eza) they have entered into a civil partnership agreement (as defined by section 73 of the Civil Partnership Act 2004) (whether or not that agreement has been terminated);]
  - (f) in relation to any child, they are both persons falling within subsection (4); or
  - (g) they are parties to the same family proceedings (other than proceedings under this Part).
- (4) A person falls within this subsection in relation to a child if—
- (a) he is a parent of the child; or
  - (b) he has or has had parental responsibility for the child.
- (5) If a child has been adopted or [<sup>F10</sup>falls within subsection (7)], two persons are also associated with each other for the purposes of this Part if—
- (a) one is a natural parent of the child or a parent of such a natural parent; and
  - (b) the other is the child or any person—
    - (i) who has become a parent of the child by virtue of an adoption order or has applied for an adoption order, or
    - (ii) with whom the child has at any time been placed for adoption.
- (6) A body corporate and another person are not, by virtue of subsection (3)(f) or (g), to be regarded for the purposes of this Part as associated with each other.
- [<sup>F11</sup>(7) A child falls within this subsection if—
- (a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act 2002, has power to place him for adoption under section 19 of that Act (placing children with parental consent) or he has become the subject of an order under section 21 of that Act (placement orders), or
  - (b) he is freed for adoption by virtue of an order made—
    - (i) in England and Wales, under section 18 of the Adoption Act 1976,
    - [<sup>F12</sup>(ii) . . . . .
    - (iii) in Northern Ireland, under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987 [<sup>F13</sup>, or
  - (c) he is the subject of a Scottish permanence order which includes provision granting authority to adopt]]
- [<sup>F14</sup>(8) In subsection (7)(c) “Scottish permanence order” means a permanence order under section 80 of the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#) (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009 (S.S.I. 2009/267)).]

#### Textual Amendments

- F1** Words in s. 62(1)(a) substituted (5.12.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [ss. 3, 60](#); S.I. 2005/3196, [art. 2\(b\)](#)
- F2** Words in s. 62(1)(a) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), [ss. 82, 263](#), [Sch. 9 para. 13\(1\)\(2\)\(a\)](#); S.I. 2005/3175, [art. 2\(8\)](#)

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- F3** Words in s. 62(1)(a) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 19**
- F4** Words in s. 62(1)(b) substituted (5.12.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1), 60, **Sch. 10 para. 40**; S.I. 2005/3196, **art. 2(c)**
- F5** Words in s. 62(1)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 13(1)(2)(b)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F6** Words in s. 62(2)(b) inserted (30.12.2005) by 2002 c. 38, ss. 139(1), 148(1), Sch. 3 para. 86(a) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F7** S. 62(3)(aa) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 13(1)(3)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F8** S. 62(3)(ea) inserted (1.7.2007) by Domestic Violence, Crime and Victims Act 2004 (c. 28), **ss. 4, 60**; S.I. 2007/1845, **art. 2(b)**
- F9** S. 62(3)(eza) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263, **Sch. 9 para. 13(1)(4)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F10** Words in s. 62(5) substituted (30.12.2005) by 2002 c. 38, ss. 139(1), 148(1), Sch. 3 para. 86(b) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F11** S. 62(7) inserted (30.12.2005) by 2002 c. 38, ss. 139(1), 148(1), Sch. 2 para. 87 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F12** S. 62(7)(b)(ii) repealed (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 1 Pt. 3**
- F13** S. 62(7)(c) and word inserted (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 1 para. 5(a)**
- F14** S. 62(8) inserted (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 1 para. 5(b)**

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#### Marginal Citations

- M1** 1976 c. 36.
- M2** 1989 c. 41.

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**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\(2\)](#)