

Your Legal Questions

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Q My husband and I have been married for about 10 years. When we bought the house that we live in as I wasn't working at the time it was bought in my husband's name. I think that our marriage is coming to an end and I am worried that he will sell the house and hide the proceeds so that I can't get anything out of it. When I worked during the marriage I helped to pay the mortgage. Is there anything I can do?

A. Yes. A spouse has a right to occupy a family home that is owned by their husband or wife in their sole name. According to the terms of the Family Law Act 1996 you can register your right of occupation of the family home either at the Land Registry if the property is registered at the Land Registry or at the Land Charges Department if it is not registered at the Land Registry.

Registration of your right of occupation protects you against anyone who might obtain an interest in the property such as a purchaser and ensures that they cannot force you out of your home. Your right to occupy the property began on the date of purchase of the property if you were already married at that time or if not on the date of your marriage. Your right will continue whilst you are still married unless there is a Court order continuing your right of occupation after a divorce.

Registering your right of occupation is a simple process that can be quickly dealt with by a solicitor. Your husband does not have to agree to the registration although he will be told of the registration once it has been carried out. He cannot get the right removed unless he either obtains a Court order, you agree to it being removed or you get divorced and there is no court order continuing your right of occupation.

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