



Can I change the locks on my house after separation?

If you and your partner have separated, you will be keen to start your life afresh and may be wondering whether you can change the locks on your house or flat. This may be a particular concern if the relationship breakdown has been acrimonious and you are worried that your former partner will turn up unannounced, remove belongings while you are out, or cause a nuisance. You may even have concerns for your safety.

While such situations can be unsettling, it is important that you do not change the locks without first seeking legal advice as the legal position may vary depending on your circumstances.

For married couples

If you are married, then the starting point is that your spouse has a legal right to enter their matrimonial home - regardless of who owns the property.

Unless you have a court order, you cannot change the locks legally without your spouse's consent. Asking for permission may not be well received, and you need to weigh up whether this could increase animosity and reduce trust which might lead to a prolonged divorce with unnecessary costs.

Changing the locks does not affect the legal ownership or financial entitlement to the value of the house or the belongings inside it, so you need to assess if this will be beneficial in the long run.

If you change the locks without consent, your spouse may decide to employ a locksmith to gain entry, or they may take you to court for illegally excluding them. It is generally expected if your spouse moves out that they will not return unannounced and enter the house when you do not want them there. In fact, it could be a criminal offence for them to do so and you may wish to consider reporting such behaviour to the police.

For cohabiting couples

If you lived together and were not married, then it is important to establish who legally owns the house.

If you own the property in your sole name, you are entitled to change the locks once your former partner has moved out. However, this does not prevent your former partner from bringing a claim for a share in the value of the equity in the house or its contents. If they do you should seek immediate legal advice.

If you own the house jointly, then the position is similar to that of married couples. You are not entitled to change the locks and exclude your former partner from the house without consent or an order from the court.

Harassment or violence

If your spouse or former partner harasses or pesters you by returning to the house, then you may be able to obtain an order from the court to stop them. This is known as an occupation order and can exclude your former spouse or partner from being allowed to reside in the home. You may also be able to obtain an occupation order if you have been the victim of domestic violence. If such an order is granted, then you can normally change the locks.

Agreeing access

Following a separation, it is best to try and reach an agreement over access to the house. It may be that your former spouse or partner needs access to remove personal belongings or paper work. This ideally should occur at a prearranged date and time. You may wish to write out an inventory of what you have agreed that they can take from the home. You may also want a friend or family member present to help ensure only items on the inventory are taken.

It may well be that you cannot reach agreement yet over substantial items, such as the division of furniture or a pet. If that is the case, until the issues are resolved, your former spouse or partner should at least be able to remove their own personal clothing and toiletries, and those of any child that is residing with them.

For further information, contact Martin Kelly, a partner in our family law team on 0118 939 3999 or email martinkelly@dextermontague.co.uk

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