



# Family Law (Scotland) Act 2006

## 2006 asp 2

### FAMILY LAW (SCOTLAND) ACT 2006

#### *Marriage*

- 1 Marriage to parent of former spouse: removal of special requirements
- 2 Void marriages
- 3 Abolition of marriage by cohabitation with habit and repute
- 4 Extension of jurisdiction of sheriff

#### *Matrimonial homes*

- 5 Occupancy rights: duration
- 6 Occupancy rights: dealings with third parties
- 7 Occupancy rights: proposed dealings with third parties
- 8 Occupancy rights: effect of court action
- 9 Amendment of definition of “matrimonial home”

#### *Matrimonial interdicts*

- 10 Matrimonial interdicts

#### *Divorce*

- 11 Divorce: reduction in separation periods
- 12 Irretrievable breakdown of marriage: desertion no longer to be ground
- 13 Non-cohabitation without consent: removal of bar to divorce
- 14 Collusion no longer to be bar to divorce
- 15 Postponement of decree of divorce where religious impediment to remarry exists

#### *Financial provision*

- 16 Financial provision: valuation of matrimonial property
- 17 Financial provision on divorce and dissolution of civil partnership: Pension Protection Fund
- 18 Financial provision: incidental orders

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*Changes to legislation:* There are outstanding changes not yet made by the [legislation.gov.uk](http://legislation.gov.uk) editorial team to Family Law (Scotland) Act 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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*Special destinations: revocation on divorce or annulment*

- 19 Special destinations: revocation on divorce or annulment

*Aliment*

- 20 Variations of agreements on aliment: powers of court

*Abolition of status of illegitimacy*

- 21 Abolition of status of illegitimacy

*Domicile of persons under 16*

- 22 Domicile of persons under 16

*Unmarried fathers: rights in relation to children*

- 23 Parental responsibilities and parental rights of unmarried fathers

*Protection of children from abuse*

- 24 Orders under section 11 of Children (Scotland) Act 1995: protection from abuse

*Cohabitation*

- 25 Meaning of “cohabitant” in sections 26 to 29  
26 Rights in certain household goods  
27 Rights in certain money and property  
28 Financial provision where cohabitation ends otherwise than by death  
29 Application to court by survivor for provision on intestacy  
30 Administration of Justice Act 1982: extension of definition of “relative”

*Cohabitation: domestic interdicts*

- 31 Domestic interdicts

*Amendment of Protection from Abuse (Scotland) Act 2001: powers of arrest*

- 32 Amendment of Protection from Abuse (Scotland) Act 2001: powers of arrest

*Amendments of Civil Partnership Act 2004*

- 33 Amendments of Civil Partnership Act 2004

*Application of 1981 Act to cohabiting couples of same sex*

- 34 Application of 1981 Act to cohabiting couples of same sex

*Amendments of Damages (Scotland) Act 1976*

- 35 Amendments of Damages (Scotland) Act 1976

*Amendments of Adults with Incapacity (Scotland) Act 2000*

- 36 Amendments of Adults with Incapacity (Scotland) Act 2000

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### *Jurisdiction*

- 37 Jurisdiction: actions for declarator of recognition of certain foreign decrees

### *Private international law*

- 38 Validity of marriages  
39 Matrimonial property  
40 Aliment  
41 Effect of parents' marriage in determining status to depend on law of domicile

### *Declarator of freedom and putting to silence: action no longer competent*

- 42 Action for declarator of freedom and putting to silence to cease to be competent

### *General*

- 43 Interpretation  
44 Ancillary provision  
45 Minor and consequential amendments and repeals  
46 Short title and commencement

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### SCHEDULE 1 — Amendments of the Civil Partnership Act 2004

- 1 The Civil Partnership Act 2004 (c. 33) shall be amended...  
2 In section 86 (eligibility to register in Scotland as civil...  
3 In section 101 (right of civil partner without title to...  
4 In subsection (1) of section 103 (regulation by court of...  
5 In section 106 (continued exercise of occupancy rights after dealing)  
—...  
6 In section 107 (dispensation with civil partner's consent to dealing)—...  
7 After section 111 there shall be inserted— Effect of court...  
8 In section 113 (civil partnerships: competency of interdict)—  
9 In subsection (3) of section 117 (dissolution of civil partnerships)—...  
10 In section 123 (nullity) (which shall become subsection (1) of...  
11 After section 124 there shall be inserted— Special destinations:  
revocation...  
12 Section 135 (interpretation of Part 3) shall become subsection (1)...

### SCHEDULE 2 — Minor and consequential amendments

#### *The Domicile and Matrimonial Proceedings Act 1973 (c. 45)*

- 1 In section 7 of the Domicile and Matrimonial Proceedings Act...

#### *The Damages (Scotland) Act 1976 (c. 13)*

- 2 In paragraph 1 of Schedule 1 to the Damages (Scotland)...

#### *The Land Registration (Scotland) Act 1979 (c. 33)*

- 3 In subsection (3) of section 12 of the Land Registration...

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*The Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c. 59)*

- 4 (1) The Matrimonial Homes (Family Protection) (Scotland) Act 1981 shall...

*The Family Law (Scotland) Act 1985 (c. 37)*

- 5 (1) The Family Law (Scotland) Act 1985 shall be amended...

*The Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9)*

- 6 (1) The Law Reform (Parent and Child) (Scotland) Act 1986...

*The Civil Evidence (Family Mediation) (Scotland) Act 1995 (c. 6)*

- 7 In subsection (7) of section 1 of the Civil Evidence...

*The Children (Scotland) Act 1995 (c. 36)*

- 8 In subsection (4) of section 12 of the Children (Scotland)...

SCHEDULE 3 — Repeals

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 28(8) text amended by [S.S.I. 2011/234 reg. 9\(2\)](#)
- s. 29(6) text amended by [S.S.I. 2011/234 reg. 9\(3\)](#)
- s. 35 repealed by [2011 asp 7 Sch. 2](#)

**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. 29A inserted by [S.S.I. 2011/234 reg. 9\(4\)](#)

**Commencement Orders yet to be applied to the Family Law (Scotland) Act 2006:**

Commencement Orders bringing provisions within this Act into force:

- [S.S.I. 2006/212 art. 2](#) commences ([2006 asp 2](#))

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2011/268 art. 15](#) commences ([2011 asp 7](#))