

Changes to legislation: There are currently no known outstanding effects for the Family Law (Scotland) Act 2006, Paragraph 5. (See end of Document for details)

SCHEDULE 1
AMENDMENTS OF THE CIVIL PARTNERSHIP ACT 2004

- 5 In section 106 (continued exercise of occupancy rights after dealing)—
- (a) after subsection (1) there shall be inserted—
- “(1A) The occupancy rights of a non-entitled partner in relation to a family home shall not be exercisable in relation to the home where, following a dealing of the entitled partner relating to the home—
- (a) a person acquires the home, or an interest in it, in good faith and for value from a person other than the person who is or, as the case may be, was the entitled partner, or
- (b) a person derives title to the home from a person who acquired title as mentioned in paragraph (a).”;
- (b) in subsection (3)—
- (i) in paragraph (e), for “sale”, where it first occurs, there shall be substituted “transfer for value”;
- (ii) in paragraph (e), for the words from “seller”, where it first occurs, to the end of the paragraph there shall be substituted “transferor—
- (i) a written declaration signed by the transferor, or a person acting on behalf of the transferor under a power of attorney or as a guardian (within the meaning of the Adults with Incapacity (Scotland) Act 2000 (asp 4)), that the subjects of the transfer are not, or were not at the time of the dealing, a family home in relation to which a civil partner of the transferor has or had occupancy rights, or
- (ii) a renunciation of occupancy rights or consent to the dealing which bears to have been properly made or given by the non-entitled partner or a person acting on behalf of the non-entitled partner under a power of attorney or as a guardian (within the meaning of the Adults with Incapacity (Scotland) Act 2000 (asp 4)).”;
- (iii) in paragraph (f), for “5” there shall be substituted “2”.

Commencement Information

II Sch. 1 para. 5 in force at 4.5.2006 by S.S.I. 2006/212, art. 2 (with art. 3)

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