



Family Law (Scotland) Act 2006

2006 asp 2

Matrimonial interdicts

10 Matrimonial interdicts

- (1) Section 14 of the 1981 Act (matrimonial interdicts) shall be amended in accordance with subsections (2) and (3).
- (2) For paragraph (b) of subsection (2) there shall be substituted—
 - “(b) subject to subsection (3), prohibits a spouse from entering or remaining in—
 - (i) a matrimonial home;
 - (ii) any other residence occupied by the applicant spouse;
 - (iii) any place of work of the applicant spouse;
 - (iv) any school attended by a child in the permanent or temporary care of the applicant spouse.”.
- (3) After subsection (2) there shall be added—
 - “(3) Subsection (4) applies if in relation to a matrimonial home the non-applicant spouse—
 - (a) is an entitled spouse; or
 - (b) has occupancy rights.
 - (4) Except where subsection (5) applies, the court may not grant a matrimonial interdict prohibiting the non-applicant spouse from entering or remaining in the matrimonial home.
 - (5) This subsection applies if—
 - (a) the interdict is ancillary to an exclusion order; or
 - (b) by virtue of section 1(3), the court refuses leave to exercise occupancy rights.
 - (6) In this section and in sections 15 to 17, “applicant spouse” means the spouse who has applied for the interdict; and “non-applicant spouse” shall be construed accordingly.”.

Changes to legislation: There are currently no known outstanding effects for the
Family Law (Scotland) Act 2006, Section 10. (See end of Document for details)

Commencement Information

II S. 10 in force at 4.5.2006 by [S.S.I. 2006/212](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Family Law (Scotland) Act 2006, Section 10.