Family Law (Scotland) Act 2006

2006 asp 2

Matrimonial homes

5 Occupancy rights: duration

In section 1 of the 1981 Act (right of spouse without title to occupy matrimonial home), after subsection (6) there shall be added—

"(7) Subject to subsection (5), if—

(a) there has been no cohabitation between an entitled spouse and a non-entitled spouse during a continuous period of two years; and

(b) during that period the non-entitled spouse has not occupied the matrimonial home,

the non-entitled spouse shall, on the expiry of that period, cease to have occupancy rights in the matrimonial home.

(8) A non-entitled spouse who has ceased to have occupancy rights by virtue of subsection (7) may not apply to the court for an order under section 3(1).".

Commencement Information

I1 S. 5 in force at 4.5.2006 by S.S.I. 2006/212, **art. 2** (with art. 3)

Changes to legislation:
There are currently no known outstanding effects for the Family Law (Scotland) Act 2006, Section 5.