



Family Law (Scotland) Act 2006

2006 asp 2

Matrimonial homes

7 Occupancy rights: proposed dealings with third parties

In section 7 of the 1981 Act (court's power to dispense with spouse's consent to dealing and proposed dealing)—

- (a) in subsection (1), at the beginning there shall be inserted "Subject to subsections (1A) to (1D) below,";
- (b) after that subsection there shall be inserted—

“(1A) Subsection (1B) applies if, in relation to a proposed sale—

- (a) negotiations with a third party have not begun; or
- (b) negotiations have begun but a price has not been agreed.

(1B) An order under subsection (1) dispensing with consent may be made only if—

- (a) the price agreed for the sale is no less than such amount as the court specifies in the order; and
- (b) the contract for the sale is concluded before the expiry of such period as may be so specified.

(1C) Subsection (1D) applies if the proposed dealing is the grant of a heritable security.

(1D) An order under subsection (1) dispensing with consent may be made only if—

- (a) the heritable security is granted for a loan of no more than such amount as the court specifies in the order; and
- (b) the security is executed before the expiry of such period as may be so specified.”; and

- (c) after subsection (3) there shall be inserted—

“(3A) If the court refuses an application for an order under subsection (1), it may make an order requiring a non-entitled spouse who is or becomes the occupier of the matrimonial home—

Status: This is the original version (as it was originally enacted).

- (a) to make such payments to the owner of the home in respect of that spouse's occupation of it as may be specified in the order;
- (b) to comply with such other conditions relating to that spouse's occupation of the matrimonial home as may be so specified."