

SCHEDULE

ANCILLARY PROVISION

Modification of the Matrimonial Homes (Family Protection) (Scotland) Act 1981

1. Section 17 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981⁽¹⁾, insofar as it continues to have effect despite its repeal, does so as though it were modified as follows—

- (a) in subsection (1), paragraph (b) and the word “; and” immediately preceding it were omitted;
- (b) subsection (3) were omitted;
- (c) after subsection (3) there were inserted—

“(3A) Subsections (4) and (5) apply when the procurator fiscal has decided that no criminal proceedings are to be taken in respect of the facts and circumstances which gave rise to the arrest under section 15(3) of this Act.”;
- (d) in subsection (4), for “subsection (1)” there were substituted “subsection (3A)”.

⁽¹⁾ 1981 c.59. Section 17 was amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40) (“the 1995 Act”) schedule 4 paragraph 37 and the Family Law (Scotland) Act 2006 (asp 2) (“the 2006 Act”) schedule 2 paragraph 4(3). It was repealed by the 2006 Act schedule 3, subject to the saving provision contained in S.S.I. 2006/212 article 13.