



Matrimonial Homes (Family Protection) (Scotland) Act 1981

CHAPTER 59

MATRIMONIAL HOMES (FAMILY PROTECTION) (SCOTLAND) ACT 1981

Protection of occupancy rights of one spouse against the other

- 1 Right of spouse without title to occupy matrimonial home.
- 2 Subsidiary and consequential rights.
- 3 Regulation by court of rights of occupancy of matrimonial home.
- 4 Exclusion orders.
- 5 Duration of orders under ss. 3 and 4.

Occupancy rights in relation to dealings with third parties

- 6 Continued exercise of occupancy rights after dealing.
- 7 Dispensation by court with spouse's consent to dealing.
- 8 Interests of heritable creditors.
- 9 Provisions where both spouses have title.

Protection of rights of spouse against arrangements intended to defeat them

- 10
- 11 Poinding.
- 12 Adjudication.

Transfer of tenancy

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Status: Point in time view as at 01/02/1991.

Changes to legislation: *Matrimonial Homes (Family Protection) (Scotland) Act 1981 is up to date with all changes known to be in force on or before 20 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Matrimonial interdicts

- 14 Interdict competent where spouses live together.
- 15 Attachment of powers of arrest to matrimonial interdicts.
- 16 Police powers after arrest.
- 17 Procedure after arrest.

Cohabiting couples

- 18 Occupancy rights of cohabiting couples.

Miscellaneous and General

- 19 Rights of occupancy in relation to division and sale.
- 20 Spouse's consent in relation to calling up of standard securities over matrimonial homes.
- 21 Procedural provision
- 22 Interpretation.
- 23 Short title, commencement and extent.

Status:

Point in time view as at 01/02/1991.

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