



Matrimonial Homes (Family Protection) (Scotland) Act 1981

1981 CHAPTER 59

[^{F1}Reckoning of non-cohabitation periods in sections 1 and 6

[^{F1}9A Effect of court action under section 3, 4 or 5 on reckoning of periods in sections 1 and 6

- (1) Subsection (2) applies where an application is made under section 3(1), 4(1) or 5(1) of this Act.
- (2) In calculating the period of two years mentioned in section 1(7)(a) or 6(3)(f) of this Act, no account shall be taken of the period mentioned in subsection (3) below.
- (3) The period is the period beginning with the date on which the application is made and—
 - (a) in the case of an application under section 3(1) or 4(1) of this Act, ending on the date on which—
 - (i) an order under section 3(3) or, as the case may be, 4(2) of this Act is made; or
 - (ii) the application is otherwise finally determined or abandoned;
 - (b) in the case of an application under section 5(1) of this Act, ending on the date on which—
 - (i) the order under section 3(3) or, as the case may be, 4(2) is varied or recalled; or
 - (ii) the application is otherwise finally determined or abandoned.]

Textual Amendments

- F1** S. 9A and preceding cross-heading inserted (4.5.2006) by [Family Law \(Scotland\) Act 2006 \(asp 2\)](#), ss. 8, 46(2); S.S.I. 2006/212, art. 2 (with art. 3)

Changes to legislation:

Matrimonial Homes (Family Protection) (Scotland) Act 1981, Section 9A is up to date with all changes known to be in force on or before 20 September 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 3(9) inserted by [2023 asp 3 s. 56\(4\)](#)
- s. 8(2C) inserted by [2023 asp 3 s. 56\(7\)](#)