



Family Law (Scotland) Act 1985

1985 CHAPTER 37

Matrimonial property, etc.

24 Marriage not to affect property rights or legal capacity.

- (1) Subject to the provisions of any enactment (including this Act), marriage [^{F1}or civil partnership] shall not of itself affect—
 - (a) the respective rights of the parties to the marriage [^{F2}, or as the case may be the partners in the civil partnership,] in relation to their property;
 - (b) the legal capacity of [^{F3}those parties or partners].
- (2) Nothing in subsection (1) above affects the law of succession.

Textual Amendments

- F1** Words in s. 24(1) inserted (5.12.2005) by virtue of [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(c\), Sch. 28 para. 27\(a\)](#); S.S.I. 2005/604, arts. 2(c), 4
- F2** Words in s. 24(1)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(c\), Sch. 28 para. 27\(b\)](#); S.S.I. 2005/604, arts. 2(c), 4
- F3** Words in s. 24(1)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(c\), Sch. 28 para. 27\(c\)](#); S.S.I. 2005/604, arts. 2(c), 4

25 Presumption of equal shares in household goods.

- (1) If any question arises (whether during or after a marriage [^{F4}or civil partnership]) as to the respective rights of ownership of the parties to a marriage [^{F5}or the partners in a civil partnership] in any household goods obtained in prospect of or during the marriage [^{F4}or civil partnership] other than by gift or succession from a third party, it shall be presumed, unless the contrary is proved, that each has a right to an equal share in the goods in question.
- (2) For the purposes of subsection (1) above, the contrary shall not be treated as proved by reason only that while [^{F6}(a)] the parties were married

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Changes to legislation: There are currently no known outstanding effects for the Family Law (Scotland) Act 1985, Cross Heading: Matrimonial property, etc.. (See end of Document for details)

[^{F7}(b) the partners were in civil partnership,]

and living together the goods in question were purchased from a third party by either party alone or by both in unequal shares.

- (3) In this section “household goods” means any goods (including decorative or ornamental goods) kept or used at any time during the marriage [^{F8}or civil partnership in any family] home for the joint domestic purposes of the parties to the marriage [^{F9}or the partners], other than—
- (a) money or securities;
 - (b) any motor car, caravan or other road vehicle;
 - (c) any domestic animal.

Textual Amendments

- F4** Words in s. 25(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), **Sch. 28 para. 28(2)(a)**; S.S.I. 2005/604, arts. 2(c), 4
- F5** Words in s. 25(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), **Sch. 28 para. 28(2)(b)**; S.S.I. 2005/604, arts. 2(c), 4
- F6** s. 25(2)(a): words in s. 25(2) renumbered as s. 25(2)(a) (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), **Sch. 28 para. 28(3)**; S.S.I. 2005/604, arts. 2(c), 4
- F7** S. 25(2)(b) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), **Sch. 28 para. 28(3)**; S.S.I. 2005/604, arts. 2(c), 4
- F8** Words in s. 25(3) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), **Sch. 28 para. 28(4)(a)**; S.S.I. 2005/604, arts. 2(c), 4
- F9** Words in s. 25(3) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), **Sch. 28 para. 28(4)(b)**; S.S.I. 2005/604, arts. 2(c), 4

26 Presumption of equal shares in money and property derived from housekeeping allowance.

If any question arises (whether during or after a marriage [^{F10}or civil partnership]) as to the right of a party to a marriage [^{F11}or as the case may be of a partner in a civil partnership] to money derived from any allowance made by either party [^{F12}or partner] for their joint household expenses or for similar purposes, or to any property acquired out of such money, the money or property shall, in the absence of any agreement between them to the contrary, be treated as belonging to each party [^{F12}or partner] in equal shares.

Textual Amendments

- F10** Words in s. 26 inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), **Sch. 28 para. 29(a)**; S.S.I. 2005/604, arts. 2(c), 4
- F11** Words in s. 26 inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), **Sch. 28 para. 29(b)**; S.S.I. 2005/604, arts. 2(c), 4
- F12** Words in s. 26 inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), **Sch. 28 para. 29(c)**; S.S.I. 2005/604, arts. 2(c), 4

Status:

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