



# 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 shall not of itself affect—
  - (a) the respective rights of the parties to the marriage in relation to their property;
  - (b) the legal capacity of the parties to the marriage.
- (2) Nothing in subsection (1) above affects the law of succession.

### **25 Presumption of equal shares in household goods**

- (1) If any question arises (whether during or after a marriage) as to the respective rights of ownership of the parties to a marriage in any household goods obtained in prospect of or during the marriage 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 the parties were married 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 in any matrimonial home for the joint domestic purposes of the parties to the marriage, other than—
  - (a) money or securities ;
  - (b) any motor car, caravan or other road vehicle ;
  - (c) any domestic animal.

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

If any question arises (whether during or after a marriage) as to the right of a party to a marriage to money derived from any allowance made by either party 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 in equal shares.