
Changes to legislation: There are currently no known outstanding effects for the Family Law (Scotland) Act 2006, Paragraph 8. (See end of Document for details)

SCHEDULE 1
AMENDMENTS OF THE CIVIL PARTNERSHIP ACT 2004

- 8 In section 113 (civil partnerships: competency of interdict)—
- (a) in subsection (2), for paragraph (b) there shall be substituted—
- “(b) subject to subsection (3), prohibits a civil partner from entering or remaining in—
- (i) a family home,
- (ii) any other residence occupied by the applicant civil partner,
- (iii) any place of work of the applicant civil partner,
- (iv) any school attended by a child in the permanent or temporary care of the applicant civil partner”; and
- (b) after that subsection, there shall be added—
- “(3) Subsection (4) applies if in relation to a family home the non-applicant civil partner—
- (a) is an entitled partner, or
- (b) has occupancy rights.
- (4) Except where subsection (5) applies, the court may not grant a relevant interdict prohibiting the non-applicant civil partner from entering or remaining in the family home.
- (5) This subsection applies if—
- (a) the interdict is ancillary to an exclusion order, or
- (b) by virtue of section 101(4), the court refuses leave to exercise occupancy rights.
- (6) In this section and in sections 114 to 116, “applicant civil partner” means the civil partner who has applied for the interdict; and “non-applicant civil partner” is to be construed accordingly.”.

Commencement Information

II Sch. 1 para. 8 in force at 4.5.2006 by S.S.I. 2006/212, art. 2

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