

*These notes relate to the Family Law (Scotland) Act 2006
(asp 2) which received Royal Assent on 20 January 2006*

FAMILY LAW (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT

Marriage

Section 3: Abolition of marriage by cohabitation with habit and repute

10. **Section 3** abolishes marriages by cohabitation with habit and repute with prospective effect (other than where the conditions in subsection (4) are met). Couples will be able to begin to constitute a marriage by cohabitation with habit and repute at any point up until the Act (or the relevant section of it) comes into force – but not after that point. The court, in considering an application for decree of declarator of marriage, will take account of any period of cohabitation before and after the Act coming into force.