



Family Law (Scotland) Act 2006

2006 asp 2

Matrimonial interdicts

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- (1) Section 14 of the 1981 Act (matrimonial interdicts) shall be amended in accordance with subsections (2) and (3).
- (2) For paragraph (b) of subsection (2) there shall be substituted—
 - “(b) subject to subsection (3), prohibits a spouse from entering or remaining in—
 - (i) a matrimonial home;
 - (ii) any other residence occupied by the applicant spouse;
 - (iii) any place of work of the applicant spouse;
 - (iv) any school attended by a child in the permanent or temporary care of the applicant spouse.”.
- (3) After subsection (2) there shall be added—
 - “(3) Subsection (4) applies if in relation to a matrimonial home the non-applicant spouse—
 - (a) is an entitled spouse; or
 - (b) has occupancy rights.
- (4) Except where subsection (5) applies, the court may not grant a matrimonial interdict prohibiting the non-applicant spouse from entering or remaining in the matrimonial home.
- (5) This subsection applies if—
 - (a) the interdict is ancillary to an exclusion order; or
 - (b) by virtue of section 1(3), the court refuses leave to exercise occupancy rights.
- (6) In this section and in sections 15 to 17, “applicant spouse” means the spouse who has applied for the interdict; and “non-applicant spouse” shall be construed accordingly.”.