

## SCHEDULES

### SCHEDULE 4

Section 12.

#### CONSEQUENTIAL AMENDMENTS OF SCOTTISH ENACTMENTS

- 1 In section 6 of the Sheriff Courts (Scotland) Act 1907, at the beginning, there shall be inserted the words " Subject to section 8 of the Domicile and Matrimonial Proceedings Act 1973 ".
- 2 In section 5 of the Divorce (Scotland) Act 1938, in subsection (1), after the words " death of the other party, and " there shall be inserted the words " subject to subsection (3) of this section "; and at the end of the said section 5 there shall be inserted the following subsection:
  - “(3) In proceedings on any such petition the court shall have jurisdiction to entertain the petition if, and only if.—
    - (a) the petitioner is domiciled in Scotland on the date when the proceedings are begun, or was habitually resident there throughout the period of one year ending with that date ; or
    - (b) the person whose death is sought to be presumed was domiciled in Scotland on the date on which he was last known to be alive, or had been habitually resident there throughout the period of one year ending with that date”.