



# Matrimonial Homes (Family Protection) (Scotland) Act 1981

## 1981 CHAPTER 59

*Protection of rights of spouse against arrangements intended to defeat them*

### 12 Adjudication.

- (1) Where a matrimonial home of which there is an entitled spouse and a non-entitled spouse is adjudged, the Court of Session, on the application of the non-entitled spouse within 40 days of the date of the decree of adjudication, may—
  - (a) order the reduction of the decree; or
  - (b) make such order as it thinks appropriate to protect the occupancy rights of the non-entitled spouse,if it is satisfied that the purpose of the diligence was wholly or mainly to defeat the occupancy rights of the non-entitled spouse.
- (2) In this section, “entitled spouse” and “non-entitled spouse” have the same meanings respectively as in section 6(2) of this Act.

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**Modifications etc. (not altering text)**

**C1** S. 12 applied with modifications by [Family Law \(Scotland\) Act 1985 \(c. 37, SIF 49:3\)](#), s. 14(5)(b)

**Changes to legislation:**

Matrimonial Homes (Family Protection) (Scotland) Act 1981, Section 12 is up to date with all changes known to be in force on or before 25 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 3(9) inserted by [2023 asp 3 s. 56\(4\)](#)
- s. 8(2C) inserted by [2023 asp 3 s. 56\(7\)](#)