



Matrimonial Homes (Family Protection) (Scotland) Act 1981

1981 CHAPTER 59

Matrimonial interdicts

14 Interdict competent where spouses live together.

- (1) It shall not be incompetent for the court to entertain an application by a spouse for a matrimonial interdict by reason only that the spouses are living together as man and wife.
- (2) In this section ^{F1}... of this Act—
“matrimonial interdict” means an interdict including an interim interdict which—
 - (a) restrains or prohibits any conduct of one spouse towards the other spouse or a child of the family, or
 - [^{F2}(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.]
- [^{F3}(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.

Changes to legislation: Matrimonial Homes (Family Protection) (Scotland) Act 1981, Section 14 is up to date with all changes known to be in force on or before 10 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. (See end of Document for details) View outstanding changes

(6) In this section ^{F4}..., “ applicant spouse ” means the spouse who has applied for the interdict; and “ non-applicant spouse ” shall be construed accordingly.]

Textual Amendments

- F1** Words in s. 14(2) repealed (4.5.2006) by [Family Law \(Scotland\) Act 2006 \(asp 2\)](#), s. 46(2), **Sch. 3**; [S.S.I. 2006/212](#), art. 2
- F2** S. 14(2)(b) substituted (4.5.2006) by [Family Law \(Scotland\) Act 2006 \(asp 2\)](#), **ss. 10(2)**, 46(2); [S.S.I. 2006/212](#), art. 2
- F3** S. 14(3)-(6) added (4.5.2006) by [Family Law \(Scotland\) Act 2006 \(asp 2\)](#), **ss. 10(3)**, 46(2); [S.S.I. 2006/212](#), art. 2
- F4** Words in s. 14(6) repealed (30.6.2006) by [Family Law \(Scotland\) Act 2006 \(Consequential Modifications\) Order 2006 \(S.S.I. 2006/384\)](#), arts. 1, **6**

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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\(7\)](#)