



Matrimonial Homes (Family Protection) (Scotland) Act 1981

1981 CHAPTER 59

[^{F1}Domestic interdicts

[^{F1}18A Meaning of “domestic interdict”

- (1) In section 18B, “ domestic interdict ” means—
 - (a) an interdict granted on the application of a person (“A”) who is (or was) living with another person (“B”) as if they were husband and wife against B for any of the purposes mentioned in subsection (2); or
 - (b) an interdict granted on the application of a person (“C”) who is (or was) living with another person (“D”) as if they were civil partners against D for any of the purposes mentioned in subsection (2).
- (2) Those purposes are—
 - (a) restraining or prohibiting such conduct of the defender towards—
 - (i) the pursuer; or
 - (ii) any child in the permanent or temporary care of the pursuer, as the court may specify;
 - (b) prohibiting the defender from entering or remaining in—
 - (i) a family home occupied by the pursuer and the defender;
 - (ii) any other residence occupied by the pursuer;
 - (iii) any place of work of the pursuer;
 - (iv) any school attended by a child in the permanent or temporary care of the pursuer.
- (3) In this section and in section 18B—

“ family home ” means, subject to subsection (4), any house, caravan, houseboat or other structure which has been provided or has been made available by the pursuer or the defender (or both of them) as (or has become) a family residence for them and includes any garden or other ground or building usually occupied with, or otherwise required for the amenity or convenience

Changes to legislation: *Matrimonial Homes (Family Protection) (Scotland) Act 1981, Section 18A is up to date with all changes known to be in force on or before 27 June 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*

of, the house, caravan, houseboat or other structure; but does not include a residence provided or made available by any person for the pursuer or, as the case may be, the defender to reside in (whether or not with any child of the pursuer and the defender) separately from the defender or, as the case may be, the pursuer; and

“ interdict ” includes interim interdict.

- (4) If the tenancy of a family home is transferred from a pursuer to a defender (or, as the case may be, from a defender to a pursuer) by agreement or under any enactment, the home shall, on such transfer, cease to be a family home.
- (5) In subsection (3), “ child of the pursuer and the defender ” includes any child or grandchild of the pursuer or the defender, and any person who has been brought up or treated by the pursuer or the defender as if the person were a child of the pursuer or, as the case may be, the defender, whatever the age of such a child, grandchild or person.]

Textual Amendments

- F1** Ss. 18A, 18B and preceding cross-heading inserted (4.5.2006) by [Family Law \(Scotland\) Act 2006](#) (asp 2), **ss. 31(3), 46(2)**; S.S.I. 2006/212, art. 2

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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\(7\)](#)