



Family Law (Scotland) Act 1985

1985 CHAPTER 37

Financial provision on divorce, etc.

17 Financial provision on declarator of nullity of marriage.

- (1) Subject to the following provisions of this section, the provisions of this Act shall apply to actions for declarator of nullity of marriage [^{F1}or of a civil partnership] as they apply to actions for divorce [^{F2}or for dissolution of a civil partnership]; and in this Act, unless the context otherwise requires, “action for divorce” includes an action for declarator of nullity of marriage [^{F3}and “action for dissolution of a civil partnership” includes an action for declarator of nullity of a civil partnership] and, in relation to such an action, “decree” [^{F4}, “divorce” and “dissolution of a civil partnership”] shall be construed accordingly.
- (2) In an action for declarator of nullity of marriage [^{F5}or of nullity of a civil partnership], it shall be competent for either party to claim interim aliment under section 6(1) of this Act notwithstanding that he denies the existence of the marriage [^{F6}or civil partnership].
- (3) Any rule of law by virtue of which either party to an action for declarator of nullity of marriage may require restitution of property upon the granting of such declarator shall cease to have effect.

Textual Amendments

- F1** Words in s. 17(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 23\(2\)\(a\)](#); S.S.I. 2005/604, arts. 2(c), 4
- F2** Words in s. 17(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 23\(2\)\(b\)](#); S.S.I. 2005/604, arts. 2(c), 4
- F3** Words in s. 17(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 23\(2\)\(c\)](#); S.S.I. 2005/604, arts. 2(c), 4
- F4** Words in s. 17(1) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 23\(2\)\(d\)](#); S.S.I. 2005/604, arts. 2(c), 4
- F5** Words in s. 17(2) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 23\(3\)\(a\)](#); S.S.I. 2005/604, arts. 2(c), 4

Changes to legislation: There are currently no known outstanding effects for the Family Law (Scotland) Act 1985, Section 17. (See end of Document for details)

F6 Words in s. 17(2) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 23(3)(b)**; S.S.I. 2005/604, arts. 2(c), 4

Changes to legislation:

There are currently no known outstanding effects for the Family Law (Scotland) Act 1985, Section 17.