



Family Law (Scotland) Act 1985

1985 CHAPTER 37

Financial provision on divorce, etc.

9 Principles to be applied.

- (1) The principles which the court shall apply in deciding what order for financial provision, if any, to make are that—
- (a) the net value of the matrimonial property should be shared fairly between the parties to the marriage [^{F1}or as the case may be the net value of the partnership property should be so shared between the partners in the civil partnership];
 - (b) fair account should be taken of any economic advantage derived by either [^{F2}person] from contributions by the other, and of any economic disadvantage suffered by either [^{F2}person] in the interests of the other [^{F2}person] or of the family;
 - (c) any economic burden of caring,
 - [^{F3}(i)] after divorce, for a child of the marriage under the age of 16 years
 - [^{F4}(ii)] after dissolution of the civil partnership, for a child [^{F5}of the civil partnership,] under that age [^{F6}...]should be shared fairly between the [^{F7}persons];
 - (d) a [^{F8}person] who has been dependent to a substantial degree on the financial support of the other [^{F8}person] should be awarded such financial provision as is reasonable to enable him to adjust, over a period of not more than three years from
 - [^{F9}(i)] the date of the decree of divorce, to the loss of that support on divorce,
 - [^{F10}(ii)] the date of the decree of dissolution of the civil partnership, to the loss of that support on dissolution,
 - (e) a [^{F11}person] who at the time of the divorce [^{F12}or of the dissolution of the civil partnership,] seems likely to suffer serious financial hardship as a result of the divorce [^{F12}or dissolution] should be awarded such financial provision as is reasonable to relieve him of hardship over a reasonable period.
- (2) In subsection (1)(b) above and section 11(2) of this Act—

Changes to legislation: There are currently no known outstanding effects for the Family Law (Scotland) Act 1985, Section 9. (See end of Document for details)

“economic advantage” means advantage gained whether before or during the marriage [^{F13}or civil partnership] and includes gains in capital, in income and in earning capacity, and “economic disadvantage” shall be construed accordingly;

“contributions” means contributions made whether before or during the marriage [^{F13}or civil partnership]; and includes indirect and non-financial contributions and, in particular, any such contribution made by looking after the family home or caring for the family.

Textual Amendments

- F1** Words in s. 9(1)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 15(2)(a)**; S.S.I. 2005/604, arts. 2(c), 4
- F2** Word in s. 9(1)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 15(2)(b)**; S.S.I. 2005/604, arts. 2(c), 4
- F3** S. 9(1)(c)(i) formed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 15(2)(c)**; S.S.I. 2005/604, arts. 2(c), 4
- F4** S. 9(1)(c)(ii) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 15(2)(c)**; S.S.I. 2005/604, arts. 2(c), 4
- F5** Words in s. 9(1)(c)(ii) inserted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 2(2)(a)**; S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F6** Words in s. 9(1)(c)(ii) repealed (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 2(2)(b)**; S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F7** Word in s. 9(1)(c) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 15(2)(c)**; S.S.I. 2005/604, arts. 2(c), 4
- F8** Words in s. 9(1)(d) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 15(2)(d)**; S.S.I. 2005/604, arts. 2(c), 4
- F9** S. 9(1)(d)(i) formed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 15(2)(d)**; S.S.I. 2005/604, arts. 2(c), 4
- F10** S. 9(1)(d)(ii) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 15(2)(d)**; S.S.I. 2005/604, arts. 2(c), 4
- F11** Word in s. 9(1)(e) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 15(2)(e)**; S.S.I. 2005/604, arts. 2(c), 4
- F12** Words in s. 9(1)(e) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 15(2)(e)**; S.S.I. 2005/604, arts. 2(c), 4
- F13** Words in s. 9(2) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 15(3)**; 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 9.