



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;
 - (b) fair account should be taken of any economic advantage derived, by either party from contributions by the other, and of any economic disadvantage suffered by either party in the interests of the other party or of the family;
 - (c) any economic burden of caring, after divorce, for a child of the marriage under the age of 16 years should be shared fairly between the parties ;
 - (d) a party who has been dependent to a substantial degree on the financial support of the other party should be awarded such financial provision as is reasonable to enable him to adjust, over a period of not more than three years from the date of the decree of divorce, to the loss of that support on divorce;
 - (e) a party who at the time of the divorce seems likely to suffer serious financial hardship as a result of the divorce 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—
 - " economic advantage" means advantage gained whether before or during the marriage 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; 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.