



Law Reform (Husband and Wife) Act 1962

1962 CHAPTER 48 10 and 11 Eliz 2

2 Proceedings between husband and wife in respect of delict.

- [^{F1}(1) Subject to the provisions of this section, each of the parties to a marriage shall have the like right to bring proceedings against the other in respect of a wrongful or negligent act or omission, or for the prevention of a wrongful act, as if they were not married.
- (2) Where any such proceedings are brought by one of the parties to a marriage against the other during the subsistence of the marriage, the court may dismiss the proceedings if it appears that no substantial benefit would accrue to either party from the continuation thereof; and it shall be the duty of the court to consider at an early stage of the proceedings whether the power to dismiss the proceedings under this subsection should or should not be exercised.
- (3) This section extends to Scotland only.]

Textual Amendments

- F1** Act repealed (S.) (4.5.2006) by [Family Law \(Scotland\) Act 2006 \(asp 2\)](#), s. 46(2), **Sch. 3**; S.S.I. 2006/212, art. 2

Modifications etc. (not altering text)

- C1** S. 2(2): excluded by [Matrimonial Homes \(Family Protection\) \(Scotland\) Act 1981 \(c. 59,SIF 49:6\)](#),S. 21

Changes to legislation:

There are currently no known outstanding effects for the Law Reform (Husband and Wife) Act 1962, Section 2.