



# Family Law (Scotland) Act 2006

## 2006 asp 2

### *Matrimonial interdicts*

#### **10 Matrimonial interdicts**

- (1) Section 14 of the 1981 Act (matrimonial interdicts) shall be amended in accordance with subsections (2) and (3).
- (2) For paragraph (b) of subsection (2) there shall be substituted—
  - “(b) subject to subsection (3), prohibits a spouse from entering or remaining in—
    - (i) a matrimonial home;
    - (ii) any other residence occupied by the applicant spouse;
    - (iii) any place of work of the applicant spouse;
    - (iv) any school attended by a child in the permanent or temporary care of the applicant spouse.”.
- (3) After subsection (2) there shall be added—
  - “(3) Subsection (4) applies if in relation to a matrimonial home the non-applicant spouse—
    - (a) is an entitled spouse; or
    - (b) has occupancy rights.
- (4) Except where subsection (5) applies, the court may not grant a matrimonial interdict prohibiting the non-applicant spouse from entering or remaining in the matrimonial home.
- (5) This subsection applies if—
  - (a) the interdict is ancillary to an exclusion order; or
  - (b) by virtue of section 1(3), the court refuses leave to exercise occupancy rights.
- (6) In this section and in sections 15 to 17, “applicant spouse” means the spouse who has applied for the interdict; and “non-applicant spouse” shall be construed accordingly.”.