

*These notes relate to the Family Law (Scotland) Act 2006
(asp 2) which received Royal Assent on 20 January 2006*

FAMILY LAW (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT

Matrimonial homes

Section 8: Occupancy rights: effect of court action

17. This section provides that where an application is made under section 3(1), 4(1) or 5(1) of the Matrimonial Homes (Family Protection) Act 1981, and the application is made to the court within the two year period in which parties cease to cohabit and the non-entitled spouse does not occupy the matrimonial home, then calculation of the two year period is suspended for the duration of the court action. In effect the clock stops ticking once the court action is raised and starts again once the court action is determined.