

*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 interdicts

Section 10: Matrimonial interdicts

19. Matrimonial interdicts relate to restraining the conduct of one spouse towards another (or a child of the family) or from being in or near to the matrimonial home. Subsection (2) of this section amends section 14 of the 1981 Act to extend the scope of matrimonial interdicts to include not only a matrimonial home but also any other home occupied by the applicant, the applicant's place of work and the school attended by any child in the applicant's care. However, subsection (3) provides that a matrimonial interdict cannot be used as an easy alternative to an exclusion order (this is when a court orders someone to leave the matrimonial home). It specifies that a matrimonial interdict should not be available to exclude an entitled spouse, or a spouse with occupancy rights, from the matrimonial home unless the interdict is ancillary to an exclusion order or the court has not granted leave to exercise occupancy rights.