

*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

Divorce

Section 11: Divorce: reduction in separation periods

20. [Section 11](#) amends the Divorce (Scotland) Act 1976 to reduce the periods of non-cohabitation required to establish the irretrievable breakdown of a marriage.
21. Under Scots law, the sole ground for divorce is the irretrievable breakdown of the marriage. The 1976 Act provides a list of the ways in which it is possible to establish such a breakdown. Two of these are:
 - the non-cohabitation of the parties to the marriage for a period of two years where both parties consent to the divorce
 - the non-cohabitation of the parties to the marriage for a period of five years where one party does not consent to the divorce.
22. [Section 11](#) reduces the periods of non-cohabitation in the 1976 Act to 1 year where both parties consent and 2 years where one party does not consent to the divorce.