

Changes to legislation: There are currently no known outstanding effects for the Family Law (Scotland) Act 2006, Paragraph 6. (See end of Document for details)

SCHEDULE 1
AMENDMENTS OF THE CIVIL PARTNERSHIP ACT 2004

- 6 In section 107 (dispensation with civil partner's consent to dealing)—
- (a) in subsection (1), at the beginning there shall be inserted “ Subject to subsections (1A) and (1C), ”;
 - (b) after that subsection there shall be inserted—
 - “(1A) Subsection (1B) applies if, in relation to a proposed sale—
 - (a) negotiations with a third party have not begun, or
 - (b) negotiations have begun but a price has not been agreed.
 - (1B) An order under subsection (1) dispensing with consent may be made only if—
 - (a) the price agreed for the sale is no less than such amount as the court specifies in the order, and
 - (b) the contract for the sale is concluded before the expiry of such period as may be so specified.
 - (1C) Subsection (1D) applies if the proposed dealing is the grant of a heritable security.
 - (1D) An order under subsection (1) dispensing with consent may be made only if—
 - (a) the heritable security is granted for a loan of no more than such amount as the court specifies in the order, and
 - (b) the security is executed before the expiry of such period as may be so specified.”; and
 - (c) after subsection (3) there shall be inserted—
 - “(3A) If the court refuses an application for an order under subsection (1), it may make an order requiring a non-entitled partner who is or becomes the occupier of the family home—
 - (a) to make such payments to the owner of the home in respect of that partner's occupation of it as may be specified in the order,
 - (b) to comply with such other conditions relating to that partner's occupation of the family home as may be so specified.”.

Commencement Information

II Sch. 1 para. 6 in force at 4.5.2006 by S.S.I. 2006/212, art. 2

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