

*Status: Point in time view as at 04/05/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Family Law (Scotland) Act 2006, SCHEDULE 2. (See end of Document for details)*

## SCHEDULE 2

*(introduced by section 45(1))*

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Domicile and Matrimonial Proceedings Act 1973 (c. 45)*

- 1 In section 7 of the Domicile and Matrimonial Proceedings Act 1973 (jurisdiction of Court of Session)—
- (a) in paragraph (a) of subsection (1)—
    - (i) after “marriage”, where it first occurs, there shall be inserted “ or ”; and
    - (ii) the words “declarator of freedom and putting to silence” shall be repealed;
  - (b) subsection (2) shall be repealed; and
  - (c) in subsection (5)—
    - (i) after “marriage”, where it secondly occurs, there shall be inserted “ or ”; and
    - (ii) “or declarator of freedom and putting to silence” shall be repealed.

#### Commencement Information

- II** Sch. 2 para. 1 in force at 4.5.2006 by S.S.I. 2006/212, art. 2 (with art. 4)

#### *The Damages (Scotland) Act 1976 (c. 13)*

- 2 In paragraph 1 of Schedule 1 to the Damages (Scotland) Act 1976 (definition of “relative”)—
- (a) in sub-paragraph (a), after “spouse” there shall be inserted “ or civil partner ”;
  - (b) in sub-paragraph (aa)—
    - (i) after “spouse” there shall be inserted “ or civil partner ”; and
    - (ii) at the end there shall be added “ or in a relationship which had the characteristics of the relationship between civil partners ”;
  - (c) after sub-paragraph (e), the word “and” shall be repealed; and
  - (d) after sub-paragraph (f), there shall be added “and
    - (g) any person who, having been a civil partner of the deceased, had ceased to be so by virtue of the dissolution of the civil partnership.”.

#### Commencement Information

- I2** Sch. 2 para. 2 in force at 4.5.2006 by S.S.I. 2006/212, art. 2

#### *The Land Registration (Scotland) Act 1979 (c. 33)*

- 3 In subsection (3) of section 12 of the Land Registration (Scotland) Act 1979 (Keeper's indemnity in respect of loss), at the end there shall be added—
- “(r) the loss is suffered by the estate of a deceased former spouse in respect of heritable property falling to it where the title to the

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- property or to any interest in the property has been acquired by another person and is unchallengeable by virtue of section 19 of the Family Law (Scotland) Act 2006 (asp 2);
- (s) the loss is suffered by the estate of a deceased former civil partner in respect of heritable property falling to it where the title to the property or to any interest in the property has been acquired by another person and is unchallengeable by virtue of section 124A of the Civil Partnership Act 2004 (c. 33).”

**Commencement Information**

**I3** Sch. 2 para. 3 in force at 4.5.2006 by S.S.I. 2006/212, art. 2

*The Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c. 59)*

- 4 (1) The Matrimonial Homes (Family Protection) (Scotland) Act 1981 shall be amended as follows.
- (2) In subsection (1) of section 3 (regulation by court of rights of occupancy of matrimonial home), at the beginning there shall be inserted “ Subject to section 1(7) of this Act, ”.
- (3) In the proviso to section 17(2), for “10” there shall be substituted “ 8 ”.

**Commencement Information**

**I4** Sch. 2 para. 4 in force at 4.5.2006 by S.S.I. 2006/212, art. 2

*The Family Law (Scotland) Act 1985 (c. 37)*

- 5 (1) The Family Law (Scotland) Act 1985 shall be amended as follows.
- (2) In subsection (2) of section 12A (orders for payment of capital sum: pensions lump sum), for “party”, where it first occurs, there shall be substituted “ person ”.
- (3) In subsection (2) of section 16 (agreements on financial provision), after “divorce”, wherever it occurs, there shall be inserted “ or of dissolution of the civil partnership ”.
- (4) In subsection (1) of section 27 (interpretation), in the definition of “partner”, for “has”, where it first occurs, there shall be substituted “ was ”.

**Commencement Information**

**I5** Sch. 2 para. 5 in force at 4.5.2006 by S.S.I. 2006/212, art. 2

*The Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9)*

- 6 (1) The Law Reform (Parent and Child) (Scotland) Act 1986 shall be amended as follows.

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- (2) In subsections (1) and (5) of section 7 (actions for declarator), for the words “non-parentage, legitimacy, legitimation or illegitimacy”, in each place where they occur there shall be substituted “ or non-parentage ”.
- (3) In section 9 (savings and supplementary provisions)—
- (a) in paragraph (b) of subsection (1), at the beginning there shall be inserted “ subject to subsection (1A) below, ”; and
  - (b) after that subsection, there shall be inserted—  
“(1A) Subsections (1) and (2) of section 1 of this Act shall apply in relation to adopted children.”.

**Commencement Information**

**I6** Sch. 2 para. 6 in force at 4.5.2006 by S.S.I. 2006/212, art. 2 (with art. 10)

*The Civil Evidence (Family Mediation) (Scotland) Act 1995 (c. 6)*

- 7 In subsection (7) of section 1 of the Civil Evidence (Family Mediation) (Scotland) Act 1995 (inadmissibility in civil proceedings of information as to what occurred during family mediation)—
- (a) the words from “a” to “wife” shall form paragraph (a) of that subsection; and
  - (b) after “wife” there shall be added “; or  
(b) two persons who are not civil partners of each other but are living together as if they were civil partners.”.

**Commencement Information**

**I7** Sch. 2 para. 7 in force at 4.5.2006 by S.S.I. 2006/212, art. 2

*The Children (Scotland) Act 1995 (c. 36)*

- 8 In subsection (4) of section 12 of the Children (Scotland) Act 1995 (restrictions on decrees for divorce, separation or annulment affecting children)—
- (a) the existing words from “the parties” to the end shall become paragraph (a) (with the existing paragraphs (a) and (b) becoming sub-paragraphs (i) and (ii)); and
  - (b) after the new paragraph (a), there shall be added “; or  
(“ the partners in a civil partnership, means a child who has been treated by both partners as a child of the family which their partnership constitutes.”.

**Commencement Information**

**I8** Sch. 2 para. 8 in force at 4.5.2006 by S.S.I. 2006/212, art. 2

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