



# Family Law (Scotland) Act 2006

## 2006 asp 2

### *Financial provision*

#### **16 Financial provision: valuation of matrimonial property**

In section 10 of the Family Law (Scotland) Act 1985 (c. 37) (which provides for the sharing of the value of matrimonial property and fixes the date of its valuation)—

- (a) in subsection (2), at the beginning there shall be inserted “Subject to subsection (3A) below,”; and
- (b) after subsection (3), there shall be inserted—

“(3A) In its application to property transferred by virtue of an order under section 8(1)(aa) of this Act this section shall have effect as if—

- (a) in subsection (2) above, for “relevant date” there were substituted “appropriate valuation date”;
- (b) after that subsection there were inserted—

“(2A) Subject to subsection (2B), in this section the “appropriate valuation date” means—

- (a) where the parties to the marriage or, as the case may be, the partners agree on a date, that date;
- (b) where there is no such agreement, the date of the making of the order under section 8(1)(aa).

(2B) If the court considers that, because of the exceptional circumstances of the case, subsection (2A)(b) should not apply, the appropriate valuation date shall be such other date (being a date as near as may be to the date referred to in subsection (2A)(b)) as the court may determine.”; and

- (c) subsection (3) did not apply.”.