



Family Law (Scotland) Act 2006

2006 asp 2

Matrimonial homes

5 Occupancy rights: duration

In section 1 of the 1981 Act (right of spouse without title to occupy matrimonial home), after subsection (6) there shall be added—

“(7) Subject to subsection (5), if—

- (a) there has been no cohabitation between an entitled spouse and a non-entitled spouse during a continuous period of two years; and
- (b) during that period the non-entitled spouse has not occupied the matrimonial home,

the non-entitled spouse shall, on the expiry of that period, cease to have occupancy rights in the matrimonial home.

(8) A non-entitled spouse who has ceased to have occupancy rights by virtue of subsection (7) may not apply to the court for an order under section 3(1).”.

Commencement Information

II S. 5 in force at 4.5.2006 by [S.S.I. 2006/212](#), [art. 2](#) (with [art. 3](#))

Changes to legislation:

There are currently no known outstanding effects for the Family Law (Scotland) Act 2006, Section 5.