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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 379**

**The Civil Partnership Act 2004 (Consequential Amendments) (Scotland) Order 2006**

**The Title Conditions (Scotland) Act 2003**

- 3.** In section 8 of the Title Conditions (Scotland) Act 2003(1)–
- (a) in subsection (2)(b)(i) after “spouse” insert “or non entitled partner”; and
  - (b) for subsection (5) substitute–
    - “(5) In subsection (2)(b) above–
      - “non-entitled partner” shall be construed in accordance with section 101(1) of the Civil Partnership Act 2004 (c. 33) (right of civil partner without title to occupy family home);
      - “non-entitled spouse” shall be construed in accordance with section 1 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c. 59) (right of spouse without title to occupy matrimonial home); and
      - “occupancy rights” shall be construed, in relation to non-entitled partners, in accordance with section 135 of the 2004 Act and, in relation to non-entitled spouses, in accordance with section 1 of the 1981 Act.”.