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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force the provisions of the [Family Law \(Scotland\) Act 2006 \(asp 2\)](#) (“the Act”) and makes transitional and savings provisions.

Article 2 brings the provisions of the Act into force on 4th May 2006.

Article 3 provides that the amendments made by the Act to the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c. 59) and the Civil Partnership Act 2004 (c. 33), which reduce the period of non cohabitation after which spouses and civil partners cease to have occupancy rights, will not apply where spouses or civil partners stop cohabiting before 4th May 2006.

Article 4 provides that where proceedings are pending on 4th May 2006, the amendments and other provisions made by the sections referred to in the article will not apply in relation to those proceedings.

Article 5 provides that the provisions made by the sections referred to in the article in relation to special destinations will not apply where parties end their marriage or civil partnership before 4th May 2006.

Articles 6 and 7 provide that the provisions of the sections referred to in those articles will only be available to cohabitants who separate, or where one cohabitant dies on and after 4th May 2006.

Article 8 provides that the amendments to the Damages (Scotland) Act 1976 (c. 13) by the section referred to in the article will not apply where a person dies before 4th May 2006.

Articles 9 to 12 save the competence of actions of declarator of legitimacy, legitimation or illegitimacy, the effect of the Legitimation (Scotland) Act 1968 (c. 22), and rules of evidence in the Civil Evidence (Scotland) Act 1988 (c. 36) relating to such declarators for the limited purposes of establishing questions in relation to rights to titles of honour, coats of arms or the construction or effect of enactments or deeds dated from before 4th May 2006.

Article 13 saves the effect of sections 15 to 17 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 and sections 114 to 116 of the Civil Partnership Act 2004 so that those provisions can continue to be applied in relation to enforcement of powers of arrest granted before 4th May 2006.