



Divorce (Scotland) Act 1976

1976 CHAPTER 39

Divorce

2 Encouragement of reconciliation.

(1) At any time before granting decree [^{F1}under paragraph (a) of section 1(1)], if it appears to the court that there is a reasonable prospect of a reconciliation between the parties, it shall continue, or further continue, the action for such period as it thinks proper to enable attempts to be made to effect such a reconciliation; and if during any such continuation the parties cohabit with one another, no account shall be taken of such cohabitation for the purposes of that action.

(2) Adultery shall not be held to have been condoned within the meaning of section 1(3) of this Act by reason only of the fact that after the commission of the adultery the pursuer has continued or resumed cohabitation with the defender, provided that the pursuer has not cohabited with the defender at any time after the end of the period of three months from the date on which such cohabitation as is referred to in the said section 1(3) was continued or resumed as aforesaid.

^{F2}(3)

(4) In considering whether any period mentioned in paragraph ^{F3}..., (d), or (e) of section 1(2) of this Act has been continuous no account shall be taken of any period or periods not exceeding six months in all during which the parties cohabited with one another; but no such period or periods during which the parties cohabited with one another shall count as part of the period of non-cohabitation required by any of those paragraphs.

Textual Amendments

F1 Words in s. 2(1) substituted (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), s. 26, **Sch. 2 para. 7**; [S.I. 2005/54](#), art. 2

F2 [S. 2\(3\)](#) repealed (4.5.2006) by [Family Law \(Scotland\) Act 2006 \(asp 2\)](#), s. 46(2), **Sch. 3**; [S.S.I. 2006/212](#), art. 2

Changes to legislation: There are currently no known outstanding effects for the Divorce (Scotland) Act 1976, Section 2. (See end of Document for details)

F3 Word in s. 2(4) repealed (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), s. 46(2), **Sch. 3**; S.S.I. 2006/212, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Divorce (Scotland) Act 1976, Section 2.