



# Matrimonial Homes (Family Protection) (Scotland) Act 1981

## CHAPTER 59

### MATRIMONIAL HOMES (FAMILY PROTECTION) (SCOTLAND) ACT 1981

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- 1 Right of spouse without title to occupy matrimonial home.
- 2 Subsidiary and consequential rights.
- 3 Regulation by court of rights of occupancy of matrimonial home.
- 4 Exclusion orders.
- 5 Duration of orders under ss. 3 and 4.

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- 6 Continued exercise of occupancy rights after dealing.
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- 8 Interests of heritable creditors.
- 9 Provisions where both spouses have title.

#### *Reckoning of non-cohabitation periods in sections 1 and 6*

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#### *Protection of rights of spouse against arrangements intended to defeat them*

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**Changes to legislation:** *Matrimonial Homes (Family Protection) (Scotland) Act 1981 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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### *Transfer of tenancy*

- 13 Transfer of tenancy.

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 8 heading substituted by [2023 asp 3 s. 56\(9\)](#)
- s. 3(2) words inserted by [2023 asp 3 s. 56\(3\)](#)
- s. 6(2) words inserted by [2023 asp 3 s. 56\(6\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 3(9) inserted by [2023 asp 3 s. 56\(4\)](#)
- s. 8(2C) inserted by [2023 asp 3 s. 56\(7\)](#)