



Civil Partnership Act 2004

2004 CHAPTER 33

PART 3

CIVIL PARTNERSHIP: SCOTLAND

CHAPTER 4

INTERDICTS

113 Civil partners: competency of interdict

- (1) It shall not be incompetent for the Court of Session or the sheriff to entertain an application by one civil partner in a civil partnership for a relevant interdict by reason only that the civil partners are living together in civil partnership.
- (2) In subsection (1) ^{F1}. . . , “relevant interdict” means an interdict, including an interim interdict, which—
- (a) restrains or prohibits any conduct of one civil partner towards the other civil partner or a child of the family, or
 - [^{F2}(b) subject to subsection (3), prohibits a civil partner from entering or remaining in—
 - (i) a family home,
 - (ii) any other residence occupied by the applicant civil partner,
 - (iii) any place of work of the applicant civil partner,
 - (iv) any school attended by a child in the permanent or temporary care of the applicant civil partner]
- [^{F3}(3) Subsection (4) applies if in relation to a family home the non-applicant civil partner—
- (a) is an entitled partner, or
 - (b) has occupancy rights.

Changes to legislation: Civil Partnership Act 2004, Section 113 is up to date with all changes known to be in force on or before 10 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

- (4) Except where subsection (5) applies, the court may not grant a relevant interdict prohibiting the non-applicant civil partner from entering or remaining in the family home.
- (5) This subsection applies if—
- (a) the interdict is ancillary to an exclusion order, or
 - (b) by virtue of section 101(4), the court refuses leave to exercise occupancy rights.
- (6) In this section ^{F4} . . . , “applicant civil partner” means the civil partner who has applied for the interdict; and “non-applicant civil partner” is to be construed accordingly.]

Textual Amendments

- F1** Words in s. 113(2) repealed (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), ss. 45(2), 46(2), **Sch. 3**; S.S.I. 2006/212, **art. 2** (subject to arts. 3-13)
- F2** S. 113(2)(b) substituted (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), ss. 33, 46(2), **Sch. 1 para. 8(a)**; S.S.I. 2006/212, **art. 2** (subject to arts. 3-13)
- F3** S. 113(3)-(6) inserted (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), ss. 33, 46(2), **Sch. 1 para. 8(b)**; S.S.I. 2006/212, **art. 2** (subject to arts. 3-13)
- F4** Words in s. 113(6) repealed (30.6.2006) by The Family Law (Scotland) Act 2006 (Consequential Modifications) Order 2006 (S.S.I. 2006/384), **art. 10**

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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. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)