



Family Law (Scotland) Act 1985

1985 CHAPTER 37

Aliment

1 Obligation of aliment

- (1) From the commencement of this Act, an obligation of aliment shall be owed by, and only by—
 - (a) a husband to his wife ;
 - (b) a wife to her husband ;
 - (c) a father or mother to his or her child ;
 - (d) a person to a child (other than a child who has been boarded out with him by a local or other public authority or a voluntary organisation) who has been accepted by him as a child of his family.
- (2) For the purposes of this Act, an obligation of aliment is an obligation to provide such support as is reasonable in the circumstances, having regard to the matters to which a court is required or entitled to have regard under section 4 of this Act in determining the amount of aliment to award in an action for aliment.
- (3) Any obligation of aliment arising under a decree or by operation of law and subsisting immediately before the commencement of this Act shall, except insofar as consistent with this section, cease to have effect as from the commencement of this Act.
- (4) Nothing in this section shall affect any arrears due under a decree at the date of termination or cessation of an obligation of aliment, nor any rule of law by which a person who is owed an obligation of aliment may claim aliment from the executor of a deceased person or from any person enriched by the succession to the estate of a deceased person.
- (5) In subsection (1) above—

" child " means a person—

 - (a) under the age of 18 years ; or
 - (b) over that age and under the age of 25 years who is reasonably and appropriately undergoing instruction at an educational establishment, or training for employment or for a trade, profession or vocation;

Status: This is the original version (as it was originally enacted).

" husband " and " wife " include the parties to a valid polygamous marriage.