



Civil Partnership Act 2004

2004 CHAPTER 33

PART 3

CIVIL PARTNERSHIP: SCOTLAND

CHAPTER 3

OCCUPANCY RIGHTS AND TENANCIES

Occupancy rights

105 Duration of orders under sections 103 and 104

- (1) The court may, on the application of either partner, vary or recall any order made by it under section 103 or 104.
- (2) Subject to subsection (3), any such order, unless previously so varied or recalled, ceases to have effect—
 - (a) on the dissolution of the civil partnership,
 - (b) subject to section 106(1), where there is an entitled and non-entitled partner, on the entitled partner ceasing to be an entitled partner in respect of the family home to which the order relates, or
 - (c) where both partners are entitled, or permitted by a third party, to occupy the family home, on both partners ceasing to be so entitled or permitted.
- (3) Without prejudice to the generality of subsection (2), an order under section 103(3) or (4) which grants the possession or use of furniture and plenishings ceases to have effect if the furniture and plenishings cease to be permitted by a third party to be retained in the family home.

Changes to legislation:

Civil Partnership Act 2004, Section 105 is up to date with all changes known to be in force on or before 27 June 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.

[View outstanding changes](#)

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. 3(1)(e) and word inserted by [2024 c. 21 s. 76\(2\)\(b\)](#)
- s. 3(1A)(1B) inserted by [2024 c. 21 s. 76\(3\)](#)
- s. 3(3)(4) inserted by [2024 c. 21 s. 76\(4\)](#)
- s. 19(4)(c) and word inserted by [2024 c. 21 s. 76\(7\)\(b\)](#)
- s. 19(5A)(5B) inserted by [2024 c. 21 s. 76\(8\)](#)
- s. 19(7A) inserted by [2024 c. 21 s. 76\(9\)](#)
- 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\(2\)](#)