



Matrimonial Homes (Family Protection) (Scotland) Act 1981

1981 CHAPTER 59

Occupancy rights in relation to dealings with third parties

9 Provisions where both spouses have title

- (1) Subject to subsection (2) below, where, apart from the provisions of this Act, both spouses are entitled to occupy a matrimonial home—
 - (a) the rights in that home of one spouse shall not be prejudiced by reason only of any dealing of the other spouse; and
 - (b) a third party shall not by reason only of such a dealing be entitled to occupy that matrimonial home or any part of it.
- (2) The definition of "dealing" in section 6(2) of this Act and sections 6(3) and 7 of this Act shall apply for the purposes of subsection (1) above as they apply for the purposes of section 6(1) of this Act subject to the following modifications—
 - (a) any reference to the entitled spouse and to the non entitled spouse shall be construed as a reference to a spouse who has entered into or, as the case may be, proposes to enter into a dealing and to the other spouse respectively; and
 - (b) in paragraph (b) of section 7(4) the reference to occupancy rights shall be construed as a reference to any rights in the matrimonial home.