



Conjugal Rights (Scotland) Amendment Act 1861

1861 CHAPTER 86 24 and 25 Vict

An Act to amend the Law regarding Conjugal Rights in Scotland. [6th August 1861]

Textual Amendments

- F1 Preamble omitted under authority of [Statute Law Revision Act 1892 \(c. 31\)](#)
- F2 Act repealed (S.) except ss. 6 and 20 by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#) (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)
- F3 Words of enactment repealed by [Statute Law Revision Act 1892 \(c. 31\)](#)

1 F4

Textual Amendments

- F4 Act repealed (S.) except ss. 6 and 20 by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#) (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)

2 F5

Textual Amendments

- F5 Act repealed (S.) except ss. 6 and 20 by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#) (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)

3 F6

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Conjugal Rights (Scotland) Amendment Act 1861 (repealed). (See end of Document for details)

Textual Amendments

F6 Act repealed (S.) except ss. 6 and 20 by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#) (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)

4 **F7**

Textual Amendments

F7 Act repealed (S.) except ss. 6 and 20 by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#) (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)

5 **F8**

Textual Amendments

F8 Act repealed (S.) except ss. 6 and 20 by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#) (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)

6 In case of separation, the property of the wife to belong to her exclusively of the jus mariti and right of administration; also for purposes of contract and suing.

After a decree of separation a mensa et thoro obtained at the instance of the wife, all property which she may acquire, or which may come to or devolve upon her, shall . . . ^{F9} on her decease . . . ^{F9}, in case she shall die intestate, pass to her heirs and representatives, in like manner as if her husband had been then dead; . . . ^{F9}.

Textual Amendments

F9 Words repealed by [Family Law \(Scotland\) Act 1985 \(c. 37, SIF 49:3\)](#), ss. 28(2), 29(4), [Sch. 2](#)

7 **F10**

Textual Amendments

F10 Act repealed (S.) except ss. 6 and 20 by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#) (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)

8 **F11**

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Conjugal Rights (Scotland) Amendment Act 1861 (repealed). (See end of Document for details)

Textual Amendments

F11 Act repealed (S.) except ss. 6 and 20 by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#) (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)

9 **F12**

Textual Amendments

F12 Act repealed (S.) except ss. 6 and 20 by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#) (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)

10 **F13**

Textual Amendments

F13 Act repealed (S.) except ss. 6 and 20 by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#) (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)

11 **F14**

Textual Amendments

F14 [S. 11](#) repealed by [Divorce \(Scotland\) Act 1938 \(c. 50\)](#), s. 7

12 **F15**

Textual Amendments

F15 [S. 12](#) repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

13 **F16**

Textual Amendments

F16 Act repealed (S.) except ss. 6 and 20 by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#) (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)

14 **F17**

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Conjugal Rights (Scotland) Amendment Act 1861 (repealed). (See end of Document for details)

Textual Amendments

F17 Ss. 14, 18, 21 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

15 **F18**

Textual Amendments

F18 Act repealed (S.) except ss. 6 and 20 by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), **Sch. 2 Pt. I** (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)

16 **F19**

Textual Amendments

F19 Act repealed (S.) except ss. 6 and 20 by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), **Sch. 2 Pt. I** (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)

17 **F20**

Textual Amendments

F20 S. 17 repealed by [Administration of Justice \(Scotland\) Act 1933 \(c. 41\)](#), s. 39, **Sch.**

18 **F21**

Textual Amendments

F21 Ss. 14, 18, 21 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

19 The following words and expressions, when used in this Act, shall, in the construction thereof, be interpreted as follows, except where the nature of the provision or the context of the Act shall exclude or be repugnant to such construction; that is to say, the expression “Lord Ordinary” shall include his successor; the word “property” shall include and apply to all property falling under the jus mariti; the expression “consistorial action” shall include actions of declarator of marriage, of declarator of nullity of marriage, of declarator of legitimacy and bastardy, actions of separation a mensa et thoro, of divorce and of adherence, and of putting to silence, and actions of aliment between husband and wife instituted in the Court of Session.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Conjugal Rights (Scotland) Amendment Act 1861 (repealed). (See end of Document for details)

20 Short title.

This Act may in all proceedings be cited as “The Conjugal Rights (Scotland) Amendment Act, 1861.”

21 **F22**

Textual Amendments

F22 Ss. 14, 18, 21 repealed by Statute Law Revision Act 1875 (c. 66)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Conjugal Rights (Scotland) Amendment Act 1861 (repealed).