

Scottish Law Commission submission of 15 March 2023

PE1981/C: Ensure perpetrators of domestic abuse, who have been excluded from the matrimonial home, cannot force the sale of the property

Thank you for your letter of 16 February. The Citizen Participation and Public Petitions Committee asks the Scottish Law Commission whether issues, such as those raised in the petition, will be looked at in Phase Two of the review on aspects of family law.

The petition called for the legislation to be strengthened to stop perpetrators of domestic abuse, who have been excluded from the matrimonial home by a court order, being able to cause further trauma and distress to their victims by trying to force the sale of the property.

Although our 11th Programme of Law Reform (which will run from January 2023 to December 2027) has not yet been published, we expect that Phase Two of our aspects of family law project will be focusing on a review of the civil remedies available for domestic abuse. This review will consider, among other matters, whether the existing legislative framework is adequate and sufficient to provide victims of domestic abuse and violence with prompt and effective protection.

The family law team is currently carrying out a scoping exercise for Phase Two, in order to determine the precise extent of our review of the law in this area. The issue of perpetrators of domestic abuse, who have been excluded from the matrimonial home by a court order, trying to force a sale of the property, has already been raised with us informally by stakeholders. It will therefore be one of the topics considered by us as we reach a determination on the scope of the project.

I trust that this is of assistance.