
EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that the requirement of section 8(3A) of the Civil Evidence (Scotland) Act 1988 (“the 1988 Act”) does not apply to a specified class of civil partnership action.

Section 8 of the 1988 Act sets out what evidence is required before the court can grant decree or judgment in certain family cases. Section 8(3A) provides that for certain types of action, including actions for dissolution of a civil partnership, the evidence must consist of or include evidence from a person who is not a party to the civil partnership. The effect of this Order is to remove that requirement in an action for dissolution of civil partnership brought on the basis of 1 year non-cohabitation and with the consent of the defender or of 2 years non-cohabitation where in both cases the action is undefended and certain other criteria are fulfilled. These are actions in which a simplified dissolution procedure is available either in the Court of Session under Rule 49.80A-I of the Rules of the Court of Session 1994 ([S.I. 1994/1443](#)) or in the sheriff court under Rule 33A.66-75 of the Ordinary Cause Rules 1993 (the First Schedule to the Sheriff Courts (Scotland) Act [1907 \(c.51\)](#)).

This Order also amends the time frames referred to in article 2 of the Evidence in Divorce Actions (Scotland) Order 1989 in consequence of changes made by the Family Law (Scotland) Act [2006 \(asp 2\)](#).