



Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

1990 CHAPTER 40

PART IV

MISCELLANEOUS REFORMS

Blood and other samples in civil proceedings

70 Blood and other samples in civil proceedings.

- (1) In any civil proceedings to which this section applies, the court may (whether or not on application made to it) request a party to the proceedings—
 - (a) to provide a sample of blood or other body fluid or of body tissue for the purpose of laboratory analysis;
 - (b) to consent to the taking of such a sample from a child in relation to whom the party has power to give such consent.
- (2) Where a party to whom a request under subsection (1) above has been made refuses or fails—
 - (a) to provide or, as the case may be, to consent to the taking of, a sample as requested by the court, or
 - (b) to take any step necessary for the provision or taking of such a sample,the court may draw from the refusal or failure such adverse inference, if any, in relation to the subject matter of the proceedings as seems to it to be appropriate.
- (3) In section 6 of the ^{M1}Law Reform (Parent and Child) (Scotland) Act 1986 (determination of parentage by blood sample)—
 - (a) in subsection (1), for the words “blood sample” there shall be substituted “sample of blood or other body fluid or of body tissue”; and
 - (b) in each of subsections (2), (3) and (4), for the words “a blood” there shall be substituted “such a”.

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Cross Heading: Blood and other samples in civil proceedings is up to date with all changes known to be in force on or before 07 July 2023. 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. (See end of Document for details) View outstanding changes

- (4) This section applies to any civil proceedings brought in the Court of Session or the sheriff court—
- (a) on or after the date of the commencement of this section; or
 - (b) before the said date in a case where the proof has not by that date begun.

Marginal Citations

M1 1986 c. 9.

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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. 21A(1)(c) words substituted by [2007 asp 5 Sch. 5 para. 3\(7\)\(a\)\(iii\)](#)
- s. 33(6) inserted by [2007 asp 5 Sch. 5 para. 3\(11\)](#)