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STATUTORY INSTRUMENTS

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**1996 No. 125 (C.2) (S.9)**

**EVIDENCE**

**The Civil Evidence (Family Mediation) (Scotland) Act 1995  
(Commencement and Transitional Provision) Order 1996**

*Made - - - - 19th January 1996*

The Lord Advocate, in exercise of the powers conferred on him by section 3(3) of the Civil Evidence (Family Mediation) (Scotland) Act 1995<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation**

1. This Order may be cited as the Civil Evidence (Family Mediation) (Scotland) Act 1995 (Commencement and Transitional Provision) Order 1996.

**Day appointed**

2. Subject to article 3 below, 19th February 1996 is the day appointed for the coming into force of the Civil Evidence (Family Mediation) (Scotland) Act 1995.

**Transitional provision**

3.—(1) The said Act of 1995 shall not apply to any civil proceedings in which any evidence has been given or heard (in whole or in part) at any time prior to 19th February 1996.

(2) In paragraph (1) above, any such evidence includes evidence given by affidavit or on commission and evidence given in undefended family actions in terms of Part II of Chapter 49 of the Rules of the Court of Session 1994<sup>(2)</sup> or Part II of Chapter 33 of the Ordinary Cause Rules 1993<sup>(3)</sup>.

Lord Advocate's Chambers  
19th January 1996

*Mackay of Drumadoon*  
Lord Advocate

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(1) 1995 c. 6.  
(2) S.I.1994/1443.  
(3) S.I. 1993/1956.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order appoints 19th February 1996 for the commencement of the Civil Evidence (Family Mediation) (Scotland) Act 1995. This Order includes a transitional provision which applies the Act only to any evidence given or heard in any civil proceedings after the commencement date.