



# Law Reform (Miscellaneous Provisions) (Scotland) Act 1968

## 1968 CHAPTER 70

### PART III

#### AMENDMENT OF THE LAW OF EVIDENCE IN CIVIL PROCEEDINGS

##### *Restriction of rule of law requiring corroboration*

#### **9 Rule requiring corroboration not to apply in certain actions of damages**

- (1) This section applies to any action of damages where the damages claimed consist of, or include, damages or solatium in respect of personal injuries (including any disease, and any impairment of physical or mental condition) sustained by the pursuer or any other person.
- (2) Subject to subsection (4) of this section, any rule of law whereby in any proceedings evidence tending to establish any fact, unless it is corroborated by other evidence, is not to be taken as sufficient proof of that fact shall cease to have effect in relation to any action to which this section applies, and accordingly, subject as aforesaid, in any such action the court shall be entitled, if they are satisfied that any fact has been established by evidence which has been given in that action, to find that fact proved by that evidence, notwithstanding that the evidence is not corroborated.
- (3) In relation to an action tried by jury, the reference in subsection (2) of this section to the court shall be construed as a reference to the jury.
- (4) This section shall not—
  - (a) affect the operation of any enactment passed or made before the commencement of this Act, or
  - (b) apply for the purposes of any appeal or other proceedings arising out of any proceedings in which the proof or trial has taken place, or the evidence has otherwise been given, before such commencement.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The references in this section to the giving of evidence are references to the giving of evidence in any manner, whether orally or by the production of documents or otherwise.