



# Court of Session Act 1988

## 1988 CHAPTER 36

### PART IV

#### OTHER CAUSES

##### *Consistorial causes*

#### **19 Lord Advocate as party to action for nullity of marriage or divorce**

- (1) The Lord Advocate may enter appearance as a party in any action of declarator of nullity of marriage or for divorce, and he may lead such proof and maintain such pleas as he thinks fit, and the Court shall, whenever it considers it necessary for the proper disposal of any such action, direct that the action shall be brought to the notice of the Lord Advocate in order that he may determine whether he should enter appearance therein.
- (2) No expenses shall be claimable by or against the Lord Advocate in any action in which he has entered appearance under this section.

#### **20 Orders with respect to children**

- (1) In any action for divorce, judicial separation or declarator of nullity of marriage, the Court may make, with respect to any child of the marriage to which the action relates, such order (including an interim order) as it thinks fit relating to parental rights, and may vary or recall such order.
- (2) In this section—
  - (a) “child” and “parental rights” have the same meaning as in section 8 of the Law Reform (Parent and Child)(Scotland) Act 1986; and
  - (b) “child of the marriage” includes any child who—
    - (i) is the child of both parties to the marriage; or
    - (ii) is the child of one party to the marriage and has been accepted as a child of the family by the other party.