# Civil Evidence (Family Mediation) (Scotland) Act 1995

**1995 CHAPTER 6**

**2 Exceptions to general rule of inadmissibility.**

(1) Nothing in section 1 of this Act shall prevent the admissibility as evidence in civil proceedings—

(a) of information as to any contract entered into during family mediation or of the fact that no contract was entered into during such mediation;

(b) where any contract entered into as a result of family mediation is challenged in those civil proceedings, of information as to what occurred during family mediation which relates to the subject matter of that challenge;

(c) of information as to what occurred during family mediation if every participant (other than the mediator) in that mediation agrees that the information should be admitted as evidence; or

(d) of information as to what occurred during family mediation if those civil proceedings are proceedings—

(i) (whether under any enactment or otherwise) relating to a child's care or protection to which a local authority or a voluntary organisation is a party;

(ii) under Part III of the [M1]Social Work (Scotland) Act 1968 before, or relating to, a children's hearing;

(iii) for an adoption order under section 12 of the [M2]Adoption (Scotland) Act 1978;

(iv) for an order under section 18 of the said Act of 1978 declaring a child free for adoption;

(v) against one of the participants, or the mediator, in a family mediation in respect of damage to property, or personal injury, alleged to have been caused by that participant or, as the case may be, mediator during family mediation; or

(vi) arising from the family mediation and to which the mediator is a party.

(2) For the purposes of this section—

**Status:** *Point in time view as at 19/02/1996. This version of this provision has been superseded.*
**Changes to legislation:** *There are currently no known outstanding effects for the Civil Evidence (Family Mediation) (Scotland) Act 1995, Section 2. (See end of Document for details)*

(a) an individual, spouse, former spouse, party to a purported marriage, or co-habitant referred to in section 1(2) of this Act; and

(b) insofar as the family mediation includes any of the matters mentioned in section 1(2)(a) of this Act, a child who—

(i) is the subject of such a family mediation; and

(ii) at the time the family mediation took place was capable of understanding the nature and significance of the matters to which the information which is sought to be admitted as evidence relates,

shall be regarded as a participant in the family mediation.

(3) Notwithstanding anything in the [M3]Age of Legal Capacity (Scotland) Act 1991, any child who is regarded as a participant in family mediation by virtue of subsection (2) above shall have legal capacity to agree that information should be admitted as evidence.

(4) The Secretary of State may prescribe other persons or classes of person who shall be regarded for the purposes of this section as participants in a family mediation.

**Marginal Citations**

**M1** 1968 c. 49.

**M2** 1978 c. 28.

**M3** 1991 c. 50.

**Status:**
Point in time view as at 19/02/1996. This version of this provision has been superseded.

**Changes to legislation:**
There are currently no known outstanding effects for the Civil Evidence (Family Mediation) (Scotland) Act 1995, Section 2.