



# Civil Evidence (Scotland) Act 1988

## 1988 CHAPTER 32

### **8 Evidence in actions concerning family relationships, etc**

- (1) In any action to which this subsection applies (whether or not appearance has been entered for the defender), no decree or judgment in favour of the pursuer shall be pronounced until the grounds of action have been established by evidence.
- (2) Subsection (1) above applies to actions for divorce, separation or declarator of marriage, nullity of marriage, legitimacy, legitimation, illegitimacy, parentage or non-parentage.
- (3) Subject to subsection (4) below, in any action for divorce, separation or declarator of marriage or nullity of marriage, the evidence referred to in subsection (1) above shall consist of or include evidence other than that of a party to the marriage (or alleged or purported marriage).
- (4) The Lord Advocate may by order made by statutory instrument provide that subsection (3) above shall not apply, or shall apply subject to such modifications as may be specified in the order, in respect of such class or classes of action as may be so specified.
- (5) No order shall be made under this section unless a draft of the order has been laid before Parliament and has been approved by resolution of each House.