



# Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

## 1990 CHAPTER 40

### PART IV

#### MISCELLANEOUS REFORMS

##### *Blood and other samples in civil proceedings*

#### **70 Blood and other samples in civil proceedings**

- (1) In any civil proceedings to which this section applies, the court may (whether or not on application made to it) request a party to the proceedings—
  - (a) to provide a sample of blood or other body fluid or of body tissue for the purpose of laboratory analysis;
  - (b) to consent to the taking of such a sample from a child in relation to whom the party has power to give such consent.
- (2) Where a party to whom a request under subsection (1) above has been made refuses or fails—
  - (a) to provide or, as the case may be, to consent to the taking of, a sample as requested by the court, or
  - (b) to take any step necessary for the provision or taking of such a sample,the court may draw from the refusal or failure such adverse inference, if any, in relation to the subject matter of the proceedings as seems to it to be appropriate.
- (3) In section 6 of the Law Reform (Parent and Child) (Scotland) Act 1986 (determination of parentage by blood sample)—
  - (a) in subsection (1), for the words “blood sample” there shall be substituted “sample of blood or other body fluid or of body tissue”; and
  - (b) in each of subsections (2), (3) and (4), for the words “a blood” there shall be substituted “such a”.

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*Status: This is the original version (as it was originally enacted).*

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- (4) This section applies to any civil proceedings brought in the Court of Session or the sheriff court—
- (a) on or after the date of the commencement of this section; or
  - (b) before the said date in a case where the proof has not by that date begun.