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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 111**

**The Evidence in Civil Partnership and  
Divorce Actions (Scotland) Order 2012**

**Specification of class of actions**

2.—(1) Section 8(3A) of the Civil Evidence (Scotland) Act 1988 does not apply in respect of the class of actions specified in paragraph (2).

(2) The class of action referred to in paragraph (1) is actions for dissolution of civil partnership in which—

- (a) the action is undefended;
- (b) the action is brought in reliance on the facts set out in section 117(3)(c) (1 year non-cohabitation and the defender's consent to decree) or in section 117(3)(d) (2 years non-cohabitation) of the Civil Partnership Act 2004<sup>(1)</sup>;
- (c) no other proceedings are pending in any court which could have the effect of bringing the civil partnership to an end;
- (d) there is no child of the family, as defined in section 12(4)(b) of the Children (Scotland) Act 1995<sup>(2)</sup>, under the age of 16 years;
- (e) neither party applies for an order for financial provision on dissolution of civil partnership; and
- (f) neither party suffers from mental disorder as defined in section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(3)</sup>.

(3) For the purpose of this Order an action is to be treated as undefended when the defender has not entered appearance or, having entered appearance, has not lodged defences or has withdrawn them.

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(1) 2004 c.33.  
(2) 1995 c.36.  
(3) 2003 asp 13.