



# Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983

## 1983 CHAPTER 12

### PART I

#### JURISDICTION AND EVIDENCE IN DIVORCE ACTIONS

#### **1 Sheriffs to have jurisdiction in respect of actions for divorce**

In section 5 of the Sheriff Courts (Scotland) Act 1907 (which relates to the jurisdiction of sheriffs), after paragraph (2A) there shall be inserted—

“(2B) Actions for divorce”.

#### **2 Rule requiring corroboration not to apply in certain undefended actions for divorce**

- (1) Any rule of law whereby in any proceedings evidence tending to establish any fact, unless it is corroborated by other evidence, is not to be taken as sufficient proof of that fact shall cease to have effect in relation to any action to which this section applies, and, accordingly, in any such action the court shall be entitled, if they are satisfied that any fact has been established by evidence which has been given in that action, to find that fact proved by that evidence notwithstanding that the evidence is not corroborated.
- (2) This section applies to such class or classes of undefended actions for divorce as the Lord Advocate may by order prescribe.
- (3) In this section " undefended action for divorce " means an action for divorce in which the defender has not entered appearance or having entered appearance, has not lodged defences or has withdrawn them.
- (4) An order under subsection (2) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.