Im Bereich der Ziviljustiz kommt für vor dem Ablauf des Übergangszeitraums eingeleitete und noch anhängige Verfahren weiterhin EU-Recht zur Anwendung. Die Informationen über das Vereinigte Königreich werden im gegenseitigen Einvernehmen bis Ende 2024 über das Europäische Justizportal verfügbar bleiben.

Family mediation

Schottland

Family mediation profession

The Scottish Government encourages the use of Alternative Dispute Resolution (ADR), including mediation, to resolve family disputes although mediation is not appropriate where there has been domestic abuse. Family mediation is generally a voluntary process. There is no obligation in Scotland to use ADR or mediation although once a family case is in court, the judge may ask for mediation to be undertaken.

If you wish to enforce the content of a mediation agreement in Scotland, either of the following procedures may be followed:

• You can apply to the Court of Session or a Sheriff Court to ask the Court to “interpone” its authority to the mediated agreement. This means the court uses its powers to change the mediation agreement into a court order.

• Alternatively, “self-proving” written agreements can be registered for execution in the Books of Council and Session or in Sheriff Court Books. A self-proving document is one which meets the formalities to be treated as signed without needing proof. Rules about self-proving documents are contained in the Requirements of Writing (Scotland) Act 1995. To register the agreement in the Books of Council and Session, you should apply to the Keeper of the Registers of Scotland.

When an agreement is registered for execution, the document becomes an authentic instrument.

Agreements that have been endorsed by the Court or registered by either of the methods outlined above may be enforceable in other EU Member States.

Information on Mediation in Scotland can be found on the Scottish Mediation Network website.

National legislation on family mediation

As there is no obligation to use mediation in family disputes, there is relatively little national legislation.

However, the Civil Evidence (Family Mediation) (Scotland) Act 1995 makes provision on the inadmissibility as evidence in civil proceedings in Scotland of information as to what occurred during family mediation.

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