



Op civielrechtelijk vlak blijven lopende procedures en procedures die voor het eind van de overgangperiode zijn ingeleid, onder het EU-recht vallen. Zoals overeengekomen met het VK, wordt alle informatie op dat gebied in verband met het Verenigd Koninkrijk tot eind 2022 op het e-justitieportaal bijgehouden.

## Family mediation

Schotland

### 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.

Last update: 30/04/2019

The national language version of this page is maintained by the respective EJM contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJM nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.