



# Law Reform (Parent and Child) (Scotland) Act 1986

## 1986 CHAPTER 9

### 7 Actions for declarator

- (1) An action for declarator of parentage, non-parentage, legitimacy, legitimation or illegitimacy may be brought in the Court of Session or the sheriff court.
- (2) Such an action may be brought in the Court of Session if and only if the child was born in Scotland or the alleged or presumed parent or the child—
  - (a) is domiciled in Scotland on the date when the action is brought;
  - (b) was habitually resident in Scotland for not less than one year immediately preceding that date; or
  - (c) died before that date and either—
    - (i) was at the date of death domiciled in Scotland ; or
    - (ii) had been habitually resident in Scotland for not less than one year immediately preceding the date of death.
- (3) Such an action may be brought in the sheriff court if and only if—
  - (a) the child was born in the sheriffdom, or
  - (b) an action could have been brought in the Court of Session under subsection (2) above and the alleged or presumed parent or the child was habitually resident in the sheriffdom on the date when the action is brought or on the date of his death.
- (4) In an action to which this section applies, the court shall not grant decree of declarator unless it is satisfied that the grounds of action have been established by sufficient evidence.
- (5) Nothing in any rule of law or enactment shall prevent the court making in any proceedings an incidental finding as to parentage, non-parentage, legitimacy, legitimation or illegitimacy for the purposes of those proceedings.
- (6) In this section " the alleged or presumed parent" includes a person who claims or is alleged to be or not to be the parent.