

SCHEDULE

Rule 2(60)

FORM F24A Form of notice to defender in action of divorce where an interim gender recognition certificate has been issued

Rule 33.14(1)(c)

YOU ARE GIVEN NOTICE that—

1. The copy initial writ served on you together with this notice states that an interim gender recognition certificate has been issued to you [or the pursuer]. If the pursuer establishes this as a fact, decree will be granted.
2. Decree of divorce will end the marriage thereby affecting any right to such pension as may depend on the marriage continuing, or, on your being left a widow the state widow's pension will not be payable to you when the pursuer dies. You may also lose your rights of succession to the pursuer's estate.
3. If the pursuer is entitled to a decree of divorce, you are nevertheless entitled to apply to the sheriff in this action—
 - (a) to make financial or other provision for you under the Family Law (Scotland) Act 1985;
 - (b) for an order under section 11 of the Children (Scotland) Act 1995 in respect of any child of the marriage, or any child accepted as such, who is under 16 years of age; or
 - (c) for any competent order.
4. IF YOU WISH TO APPLY FOR ANY OF THE ABOVE ORDERS you should consult a solicitor with a view to lodging a notice of intention to defend (Form F26).

Date (insert date)

(Signed)

Solicitor for the pursuer (add designation and business address)

FORM F33A Form of simplified divorce application under section 1(1)(b) of the Divorce (Scotland) Act 1976

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 33.74(1)(3)

Sheriff Clerk

Sheriff Court House

.....

.....

(Telephone).....

APPLICATION FOR DIVORCE (INTERIM GENDER RECOGNITION CERTIFICATE ISSUED TO ONE OF THE PARTIES AFTER THE MARRIAGE)

Before completing this form, you should have read the leaflet entitled "Do it yourself Divorce", which explains the circumstances in which a divorce may be sought by this method. If the simplified procedure appears to suit your circumstances, you may use this form to apply for divorce. Below you will find directions designed to assist you with your application. Please follow them carefully. In the event of difficulty, you may contact any sheriff clerk's office or Citizen's Advice Bureau.

Directions for making application

WRITE IN INK, USING BLOCK CAPITALS

- | | |
|--|---|
| Application (Part 1) | 1. Complete and sign Part 1 of the form (pages 3-7), paying particular attention to the notes opposite each section. |
| Affidavits (Part 2) | 2. When you have completed Part 1, you should take the form to a Justice of the Peace, Notary Public, Commissioner for Oaths or other duly authorised person so that your affidavit at Part 2 (page 8) may be completed and sworn. |
| Returning completed application form to court | <p>3. When directions 1-2 above have been complied with, your application is now ready to be sent to the sheriff clerk at the above address. With it you must enclose:</p> <ul style="list-style-type: none"> (i) your marriage certificate (the document headed "Extract of an entry in a Register of Marriages", which will be returned to you in due course). Check the notes on page 2 to see if you also need to obtain a letter from the General Register Office stating that there is no record that your spouse has divorced you, and. (ii) either a cheque or postal order in respect of the court fee, crossed and made payable to "Scottish Court Service" or a completed fee exemption form, and (iii) the interim gender recognition certificate or a copy sealed with the seal of the Gender Recognition Panels and certified to be a true copy by an officer authorised by the President of Gender Recognition Panels. <p>4. Receipt of your application will be promptly acknowledged. Should you wish to withdraw the application for any reason, please contact the sheriff clerk immediately.</p> |

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PART 1

WRITE IN INK, USING BLOCK CAPITALS

1. NAME AND ADDRESS OF APPLICANT

Surname.....

Other name(s) in full.....

Present address

Daytime telephone number (if any).....

2. NAME OF SPOUSE

Surname.....

Other name(s) in full.....

3. ADDRESS OF SPOUSE (if the address of your spouse is not known, please enter "not known" in this paragraph and proceed to paragraph 4)

Present address

Daytime telephone number (if any).....

4. Only complete this paragraph if you do not know the present address of your spouse

NEXT-OF-KIN

Name.....

Address.....

Relationship to your spouse.....

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CHILDREN OF THE MARRIAGE

Names and dates of birth

Addresses

| | |
|-------|-------|
| | |
| | |
| | |
| | |

If insufficient space is available to list all the children of the marriage, please continue on a separate sheet and attach to this form.

5. JURISDICTION

Please indicate with a tick (✓) in the appropriate box or boxes which of the following apply:

PART A

- (i) My spouse and I are habitually resident in Scotland
- (ii) My spouse and I were last habitually resident in Scotland, and one of us still resides there
- (iii) My spouse is habitually resident in Scotland
- (iv) I am habitually resident in Scotland having resided there for at least a year immediately before this application was made
- (v) I am habitually resident in Scotland having resided there for at least six months immediately before this application was made and am domiciled in Scotland
- (vi) My spouse and I are domiciled in Scotland

If you have ticked one or more of the boxes in Part A, you should go direct to Part C. You should only complete Part B if you have not ticked any of the boxes in Part A

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PART B

- (i) I am domiciled in Scotland
- (ii) My spouse is domiciled in Scotland
- AND
- (iii) No court of a Contracting State has jurisdiction under Council Regulation (E.C.) No. 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility (O.J. No. L 338, 23.12.2003, p.1.)

PART C

- (i) I have lived at the address shown above for at least 40 days immediately before the date I signed this application
- (ii) My spouse has lived at the address shown above for at least 40 days immediately before the date I signed this application
- (iii) I lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and have no known residence in Scotland at that date
- (iv) My spouse lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and has no known residence in Scotland at that date

6. DETAILS OF PRESENT MARRIAGE

Place of Marriage.....(Registration District)

Date of Marriage: Day... month.....year.....

7. DETAILS OF ISSUE OF INTERIM GENDER RECOGNITION CERTIFICATE

- (i) Please state whether the interim gender recognition certificate has been issued to you or your spouse:
- (ii) Please state the date the interim gender recognition certificate was issued
Day.....Month.....Year.....

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To be completed by
Justice of the Peace,
Notary Public or
Commissioner for
Oaths

SWORN at *(insert place)*.....

this.....day of.....20.....

before me *(insert full name)*.....

(insert full address).....

.....

.....

Signature.....

*Justice of the Peace/ Notary Public/Commissioner for Oaths

* Delete as appropriate

FORM 35A Form of citation in application on grounds under section 1(1)(b) of the Divorce (Scotland) Act 1976

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 33.76(3)(c)

(Insert name and address of non-applicant spouse)

APPLICATION FOR DIVORCE (INTERIM GENDER RECOGNITION CERTIFICATE ISSUED TO ONE OF THE PARTIES AFTER THE MARRIAGE)

Your spouse has applied to the sheriff for divorce on the ground that an interim gender recognition certificate has been issued to you or your spouse after your marriage.

A copy of the application is hereby served upon you.

1. Please note that the sheriff may not make financial provision under this procedure and that your spouse is making no claim for—

- (a) the payment by you of a periodical allowance (i.e. a regular payment of money weekly or monthly, etc. for maintenance);
- (b) the payment by you of a capital sum (i.e. a lump sum payment).

2. Divorce may result in the loss to you of property rights (e.g. the right to succeed to the Applicant's estate on his or her death) or the right, where appropriate, to a pension.

3. If you wish to oppose the granting of a decree of divorce, you should put your reasons in writing and send your letter to the address shown below. Your letter must reach the sheriff clerk before *(insert date)*.

4. In the event of the decree of divorce being granted, you will be sent a copy of the extract decree. Should you change your address before receiving the copy extract decree, please notify the sheriff clerk immediately.

(Signed)

Sheriff clerk (depute)

(insert address and telephone number of the sheriff clerk)

[or Sheriff officer]

NOTE: If you wish to exercise your right to make a claim for financial provision you should immediately advise the sheriff clerk that you oppose the application for that reason, and thereafter consult a solicitor.

FORM CP25A Form of notice to defender in action of dissolution of civil partnership where an interim gender recognition certificate has been issued

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 33A.14(1)(c)

YOU ARE GIVEN NOTICE that—

1. The copy initial writ served on you together with this notice states that an interim gender recognition certificate has been issued to you [or the pursuer]. If the pursuer establishes this as a fact, decree will be granted.
2. Decree of dissolution will end the civil partnership thereby affecting any right to such pension as may depend on the civil partnership continuing or your right to any state pension that may have been payable to you on the death of your civil partner. You may also lose your rights of succession to the pursuer's estate.
3. If the pursuer is entitled to decree of dissolution you are nevertheless entitled to apply to the sheriff in this action—
 - (a) to make financial or other provision for you under the Family Law (Scotland) Act 1985;
 - (b) for an order under section 11 of the Children (Scotland) Act 1995 in respect of any child of the family within the meaning of section 10(7) of the Civil Partnership Act 2004; or
 - (c) for any other competent order.
4. IF YOU WISH TO APPLY FOR ANY OF THE ABOVE ORDERS you should consult a solicitor with a view to lodging a notice of intention to defend (Form CP16).

Date (*insert date*)

(*Signed*)

Solicitor for the pursuer (*add*

designation and business address)

FORM CO1Form of intimation of application for financial provision on intestacy under section 29(2) of the Family Law (Scotland) Act 2006

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 33B.2(2)(b)

To: (insert name and address as in warrant)

Court ref no.

You are given **NOTICE** that the pursuer has applied for an order for financial provision on intestacy under section 29(2) of the Family Law (Scotland) Act 2006. A copy of the initial writ is attached. If you wish to appear as a party, you must lodge a minute with the sheriff clerk (*insert address of sheriff clerk*) for leave to do so. Your minute must be lodged within 21 days of (*insert date on which intimation is given. N.B. rule 5.3(2) relating to postal service or intimation*).

Date (insert date)

(signed)

Solicitor for the pursuer

NOTE

If you decide to lodge a minute it may be in your best interests to consult a solicitor. The minute should be lodged with the sheriff clerk together with the appropriate fee of (*insert amount*) and a copy of this intimation.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.