

## SCHEDULE

### Part 2

Rule 49.14A(1)(i)

*Status: This is the original version (as it was originally made).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

FORM 49.14A–A

**Form of notice to defender where it is stated that he consents to decree of dissolution of civil partnership**

FORM 49.14A-A

Rule 49.14A(1)(i)

**Form of notice to defender where it is stated that he consents to decree of dissolution of civil partnership**

Date: *(date of posting or other method of service)*

To: *(name and address of defender in summons)*

*(Pursuer's name and address)*, pursuer, has brought an action against you in the Court of Session, Edinburgh. The pursuer seeks dissolution of your civil partnership. A copy of the summons in the action is attached.

1. The summons states that you consent to a decree of dissolution of your civil partnership. If you do consent your civil partner will obtain a decree of dissolution of your civil partnership if he [*or she*] shows that you have not cohabited with him [*or her*] at any time during a continuous period of two years after the registration of your civil partnership and immediately before this action.

2. If the pursuer obtains a decree of dissolution of your civil partnership, the consequences may be as follows:–

(a) you may lose your rights of inheritance in your civil partner's property;

(b) you may lose the right to any pensions which depends on the civil partnership continuing or on your civil partner dying;

(c) apart from these consequences there may be others depending on your particular circumstances.

3. If you consent to the grant of decree of dissolution of your civil partnership, you are still entitled to apply to the court—

(a) to make financial or other provision for you by making an order under the Family Law (Scotland) Act 1985;

(b) to make an order under section 11 of the Children (Scotland) Act 1995 or for maintenance in respect of any child of the family, or any child accepted as such, who is under 16 years of age.

In order to make such an application you must lodge defences to the action seeking any such order. If you wish to do this you should consult a solicitor.

4. If after considering the above you wish to consent to decree of dissolution of your civil partnership, you should complete and sign the attached notice of consent form, and send it to—

The Deputy Principal Clerk of Session  
2 Parliament Square  
Edinburgh EH1 1RQ

You may do so within [21] days after the date of service on you of the summons [*or if service is executed before calling of the summons*, within seven days after the summons calls in court. The summons will not call in court earlier than [21] days after the date of service on you of the summons]. The date of service is the date stated at the top of this notice unless service has been made by post in which case the date of service is the day after that date.

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5. If after consent you wish to withdraw your consent, you must immediately inform the Deputy Principal Clerk of Session at the above address in writing. Please state the name of court action in your letter.

**IF YOU ARE UNCERTAIN ABOUT THE EFFECT OF THIS NOTICE, you should consult a solicitor, Citizens Advice Bureau or other local advice agency or adviser immediately.**

*(Signed)*

Messenger-at-Arms

[*or* Solicitor [*or* Agent] for pursuer]

*(Address)*

Rule 49.14A(1)(i)

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

FORM 49.14A-B

**Form of notice of consent in action of dissolution of a civil partnership under section 117(3)(c) of the Civil Partnership Act 2004**

FORM 49.14A-B

Rule 49.14A(1)(i)

**Form of notice of consent in action of dissolution of a civil partnership under section 117(3)(c) of the Civil Partnership Act 2004**

**NOTICE OF CONSENT TO DISSOLUTION OF CIVIL PARTNERSHIP**

I have received a copy of the summons in the court action raised against me by *(pursuer's name and address)*.

I understand that it states that I consent to the granting of decree of dissolution of my civil partnership in this action.

I consent to the granting of decree of dissolution of my civil partnership in this action.

Signature .....

Name (in Block Capitals) .....

Address .....

.....  
.....  
.....

Date .....

Signature of Witness .....

Name (in Block Capitals) .....

Address .....

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.....  
.....

Occupation .....

Rule 49.14A(1)(a)(ii)

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

FORM 49.14A–C

**Form of notice to defender where it is stated that he consents to decree of separation of civil partners**

FORM 49.14A-C

Rule 49.14A(1)(a)(ii)

**Form of notice to defender where it is stated that he consents to decree of separation of civil partners**

Date: (date of posting or other method of service)

To: (name and address of defender in summons)

(Pursuer's name and address), pursuer, has brought an action against you in the Court of Session, Edinburgh. The pursuer seeks separation from you. A copy of the summons in the action is attached.

1. The summons states that you consent to a decree of separation. If you do consent your civil partner will obtain a decree of separation if he [or she] shows that you have not cohabited with him [or her] at any time during a continuous period of two years after the registration of your civil partnership and immediately before this action.

2. If the pursuer obtains a decree of separation, the consequences may be as follows:–

(a) you may be obliged to live apart from your civil partner but the civil partnership will continue to exist;

(b) your civil partner may continue to have a legal obligation to support you and any children of the family;

(c) apart from the above there may be other consequences applicable to you depending on your particular circumstances.

3. If you consent to the grant of decree of separation, you are still entitled to apply to the court—

(a) for an order under section 11 of the Children (Scotland) Act 1995 for maintenance in respect of any child of the family, or any child accepted as such, who is under 16 years of age;

(b) for payment of aliment by your civil partner to you.

In order to make such an application you must lodge defences to the action seeking any such order. If you wish to do this you should consult a solicitor.

4. If after considering the above you wish to consent to decree of separation, you should complete and sign the attached notice of consent form, and send it to—

The Deputy Principal Clerk of Session  
2 Parliament Square  
Edinburgh EH1 1RQ

You may do so within [21] days after the date of service on you of the summons [or if service is executed before calling of the summons, within seven days after the summons calls in court. The summons will not call in court earlier than [21] days after the date of service on you of the summons]. The date of service is the date stated at the top of this notice unless service has been made by post in which case the date of service is the day after that date.

5. If after consent you wish to withdraw your consent, you must immediately inform the Deputy Principal Clerk of Session at the above address in writing. Please state the name of court action in your letter.

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**IF YOU ARE UNCERTAIN ABOUT THE EFFECT OF THIS NOTICE, you should consult a solicitor, Citizens Advice Bureau or other local advice agency or adviser immediately.**

*(Signed)*

Messenger-at-Arms

[or Solicitor [or Agent] for pursuer]

*(Address)*

Rule 49.14A(1)(a)(ii)

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FORM 49.14A-D

**Form of notice of consent in action of separation of civil partners under section 117(3)(c) of the Civil Partnership Act 2004**

FORM 49.14A-D

Rule 49.14A(1)(a)(ii)

**Form of notice of consent in action of separation of civil partners under section 117(3)(c) of the Civil Partnership Act 2004**

**NOTICE OF CONSENT TO SEPARATION OF CIVIL PARTNERS**

I have received a copy of the summons in the court action raised against me by (*pursuer's name and address*).

I understand that it states that I consent to the granting of decree of dissolution of my civil partnership in this action.

I consent to the granting of decree of dissolution of my civil partnership in this action.

Signature .....

Name (in Block Capitals) .....

Address .....

.....  
.....  
.....

Date .....

Signature of Witness .....

Name (in Block Capitals) .....

Address .....

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.....  
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Occupation .....

Rule 49.14A(1)(b)(i)

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

FORM 49.14A–E

**Form of notice to defender in an action of dissolution of civil partnership under section 117(3)(d) of the Civil Partnership Act 2004**

FORM 49.14A-E

Rule 49.14A(1)(b)(i)

**Form of notice to defender in an action of dissolution of civil partnership under section 117(3)(d) of the Civil Partnership Act 2004**

Date: *(date of posting or other method of service)*

To: *(name and address of defender in summons)*

*(Pursuer's name and address)*, pursuer, has brought an action against you in the Court of Session, Edinburgh. The pursuer seeks dissolution of your civil partnership. A copy of the summons in the action is attached.

1. The summons states that you have not cohabited with the pursuer at any time during a continuous period of five years after the registration of your civil partnership and immediately before this action. If the pursuer establishes this as a fact the pursuer will obtain a decree of dissolution of your civil partnership unless in the opinion of the court the grant of decree would result in grave financial hardship to you.

2. If the pursuer obtains a decree of dissolution of your civil partnership, the consequences may be as follows:–

- (a) you may lose your rights of inheritance in your civil partner's property;
- (b) you may lose the right to any pensions which depends on the civil partnership continuing or on your civil partner dying;
- (c) apart from these consequences there may be others depending on your particular circumstances.

3. If you consent to the grant of decree of dissolution of your civil partnership, you are still entitled to apply to the court—

- (a) to make financial or other provision for you by making an order under the Family Law (Scotland) Act 1985;
- (b) to make an order under section 11 of the Children (Scotland) Act 1995 or for maintenance in respect of any child of the family, or any child accepted as such, who is under 16 years of age.

In order to make such an application you must lodge defences to the action seeking any such order. If you wish to do this you should consult a solicitor.

If you lodge defences, you may do so at the Offices of Court, Court of Session, 2 Parliament Square, Edinburgh EH1 1RQ within [21] days after the date of service on you of the summons [*or if service is executed before calling of the summons*, within seven days after the summons calls in court. The summons will not call in court earlier than [21] days after the date of service on you of the summons]. The date of service is the date stated at the top of this notice unless service has been made by post in which case the date of service is the day after that date.

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*(Signed)*

Messenger-at-Arms

[or Solicitor [or Agent] for pursuer]

*(Address)*

Rule 49.14A(1)(b)(ii)

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FORM 49.14A–F

**Form of notice to defender in an action of separation of civil partners on grounds under section 117(3)(d) of the Civil Partnership Act 2004**

FORM 49.14A-F

Rule 49.14A(1)(b)(ii)

**Form of notice to defender in an action of separation of civil partners on grounds under section 117(3)(d) of the Civil Partnership Act 2004**

Date: *(date of posting or other method of service)*

To: *(name and address of defender in summons)*

*(Pursuer's name and address)*, pursuer, has brought an action against you in the Court of Session, Edinburgh. The pursuer seeks separation from you. A copy of the summons in the action is attached.

1. The summons states that you have not cohabited with him the pursuer at any time during a continuous period of five years after the registration of your civil partnership and immediately before this action. If the pursuer establishes this as a fact and the court is satisfied that there are justified grounds for the decree the pursuer will obtain a decree of separation.

2. If the pursuer obtains a decree of separation, the consequences may be as follows:–

(a) you may be obliged to live apart from your civil partner but the civil partnership will continue to exist;

(b) your civil partner may continue to have a legal obligation to support you and any children of the family;

(c) apart from the above there may be other consequences applicable to you depending on your particular circumstances.

3. If you consent to the grant of decree of separation, you are still entitled to apply to the court—

(a) for an order under section 11 of the Children (Scotland) Act 1995 for maintenance in respect of any child of the family, or any child accepted as such, who is under 16 years of age;

(b) for payment of aliment by your civil partner to you.

4. In order to make such an application you must lodge defences to the action. If you wish to do this you should consult a solicitor.

If you lodge defences, you must do so at the Office of Court, Court of Session, 2 Parliament Square, Edinburgh EH1 1RQ within [21] days after the date of service on you of the summons [*or if service is executed before calling of the summons*, within seven days after the summons calls in court. The summons will not call in court earlier than [21] days after the date of service on you of the summons]. The date of service is the date stated at the top of this notice unless service has been made by post in which case the date of service is the day after that date.

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*(Signed)*

Messenger-at-Arms

[or Solicitor [or Agent] for pursuer]

*(Address)*

Rule 49.14A(1)(c)

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FORM 49.14A–G

**Form of notice to defender in action of dissolution of civil partnership on grounds under section 117(2)(b) of the Civil Partnership Act 2004**

FORM 49.14A-G

Rule 49.14A(1)(c)

**Form of notice to defender in action of dissolution of civil partnership on grounds under section 117(2)(b) of the Civil Partnership Act 2004**

Date: *(date of posting or other method of service)*

To: *(name and address of defender in summons)*

*(Pursuer's name and address)*, pursuer, has brought an action against you in the Court of Session, Edinburgh. The pursuer seeks dissolution of your civil partnership. A copy of the summons in the action is attached.

1. The summons states that an interim gender recognition certificate has been issued to you [*or your civil partner*] after the date of registration of your civil partnership. If the pursuer establishes this as a fact the pursuer will obtain a decree of dissolution of your civil partnership.

2. If the pursuer obtains a decree of dissolution of your civil partnership, the consequences may be as follows:–

- (a) you may lose your rights of inheritance in your civil partner's property;
- (b) you may lose the right to any pensions which depends on the civil partnership continuing or on your civil partner dying;
- (c) apart from these consequences there may be others depending on your particular circumstances.

3. If you consent to the grant of decree of dissolution of your civil partnership, you are still entitled to apply to the court—

- (a) to make financial or other provision for you by making an order under the Family Law (Scotland) Act 1985;
- (b) to make an order under section 11 of the Children (Scotland) Act 1995 or for maintenance in respect of any child of the family, or any child accepted as such, who is under 16 years of age.

4 In order to make such an application you must lodge defences to the action. If you wish to do this you should consult a solicitor.

5. If you lodge defences, you must do so at the Offices of Court, Court of Session, 2 Parliament Square, Edinburgh EH1 1RQ within [21] days after the date of service on you of the summons [*or if service is executed before calling of the summons*, within seven days after the summons calls in court. The summons will not call in court earlier than [21] days after the date of service on you of the summons]. The date of service is the date stated at the top of this notice unless service has been made by post in which case the date of service is the day after that date.

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