

Status: This is the original version (as it was originally made).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

SCHEDULE

Rule 33A.14(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Status: This is the original version (as it was originally made).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 CP22

Form of notice to defender where it is stated that defender consents to the granting of decree of separation of civil partners

FORM CP22

Rule 33A.14(1)(a)(ii)

Form of notice to defender where it is stated that defender consents to the granting of decree of separation of civil partners

YOU ARE GIVEN NOTICE that the copy initial writ served on you with this notice states that you consent to the grant of decree of separation of you and your civil partner.

1. If you do so consent the consequences for you are that

(a) provided the pursuer establishes the fact that he [or she] has not cohabited with you at any time during a continuous period of two years after the date of registration of your civil partnership and immediately preceding the bringing of this action and that you consent, a decree of separation of civil partners will be granted;

(b) on the grant of a decree of separation of civil partners you will be obliged to live apart from the pursuer but the civil partnership will continue to subsist; you will continue to have a legal obligation to support your civil partner and any child of the family within the meaning of section 101(7) of the Civil Partnership Act 2004; and

Apart from these, there may be other consequences for you depending upon your particular circumstances.

2. You are entitled, whether or not you consent to the grant of decree of separation of civil partners, 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 101(7) of the Civil Partnership Act 2004; or

(c) for any other competent order.

3. 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).

4. If, after consideration, you wish to consent to the grant of decree of separation of civil partners in this action, you should complete and sign the attached notice of consent (Form CP23) and send it to the sheriff clerk at the sheriff court referred to in the initial writ and other papers within 21 days of (insert the date on which service was executed - N.B. Rule 5.3(7) relating to postal service or intimation).

5. If, at a later stage, you wish to withdraw your consent to decree being granted against you in this action, you must inform the sheriff clerk immediately in writing.

Date (insert date)

(Signed)

Solicitor for the pursuer (add

designation and business address)