

SCHEDULE

Rule 33A.14(1)(b)(i)

FORM CP24

Form of notice to defender in an action for dissolution of a civil partnership where it is stated there has been five years' non-cohabitation

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Rule 33A.14(1)(b)(i)

Form of notice to defender in an action for dissolution of a civil partnership where it is stated there has been five years' non-cohabitation

YOU ARE GIVEN NOTICE that—

1. The copy initial writ served on you with this notice states that there has been no cohabitation between you and the pursuer at any time during a continuous period of five years after the date of registration of the civil partnership and immediately preceding the commencement of this action. If the pursuer establishes this as a fact and the sheriff is satisfied that the civil partnership has broken down irretrievably, a decree will be granted, unless the sheriff is of the opinion that to grant decree would result in grave financial hardship to you.

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. You are entitled, whether or not you dispute that there has been no such cohabitation during that five year period, 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.

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)