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SCHEDULES

^{F1}FIRST SCHEDULE

ORDINARY CAUSE RULES 1993

Textual Amendments

- F1** Sch. 1 (with appendices 1 and 2) substituted (1.1.1994) for Sch. 1 (with appendix) by [S.I. 1993/1956](#), para. 2, [Sch.1](#).
Sch. 1 (except rule 29.10) excluded (1.4.1997) by [S.I. 1997/291](#), [rule 3.24](#), Sch. 3
Sch. 1 extended (14.2.2000) by [S.I. 2000/124](#), [reg. 30\(5\)](#)

SPECIAL PROVISIONS IN RELATION TO PARTICULAR CAUSES

CHAPTER 33A

CIVIL PARTNERSHIP ACTIONS

PART XI

SIMPLIFIED DISSOLUTION OF CIVIL PARTNERSHIP APPLICATIONS

Application and interpretation of this Part

- 33A.6(1) This Part applies to an application for dissolution of civil partnership by a party to a civil partnership made in the manner prescribed in rule 33A.67 (form of applications) if, but only if—
- that party relies on the facts set out in section 117(3)(c) (no cohabitation for [^{F1}one year] with consent of defender to decree), section 117(3)(d) (no cohabitation for [^{F2}two] years), or section 117(2)(b) (issue of interim gender recognition certificate) of the Act of 2004;
 - in an application under section 117(3)(c) of the Act of 2004, the other party consents to decree of dissolution of civil partnership being granted;
 - no other proceedings are pending in any court which could have the effect of bringing the civil partnership to an end;
 - there is no child of the family (as defined in section 101(7) of the Act of 2004) under the age of 16 years;
 - neither party to the civil partnership applies for an order for financial provision on dissolution of civil partnership; and
 - neither party to the civil partnership suffers from mental disorder.
- (2) If an application ceases to be one to which this Part applies at any time before final decree, it shall be deemed to be abandoned and shall be dismissed.

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- (3) In this Part “simplified dissolution of civil partnership application” means an application mentioned in paragraph (1).

Textual Amendments

- F1** Words in [Sch. 1 rule 33A.66\(1\)\(a\)](#) substituted (4.5.2006) by Act of Sederunt (Ordinary Cause Rules) Amendment (Family Law (Scotland) Act 2006 etc.) 2006 ([S.S.I. 2006/207](#)), {rule 2(55)(a)}
- F2** Word in [Sch. 1 rule 33A.66\(1\)\(a\)](#) substituted (4.5.2006) by Act of Sederunt (Ordinary Cause Rules) Amendment (Family Law (Scotland) Act 2006 etc.) 2006 ([S.S.I. 2006/207](#)), {rule 2(55)(b)}

Form of applications

- 33A.67(1) A simplified dissolution of civil partnership application in which the facts set out in section 117(3)(c) of the Act of 2004 (no cohabitation for [^{F3}one year] with consent of defender to decree) are relied on shall be made in Form CP29 and shall only be of effect if—
- (a) it is signed by the applicant; and
 - (b) the form of consent in Part 2 of Form CP29 is signed by the party to the civil partnership giving consent.
- (2) A simplified dissolution of civil partnership application in which the facts set out in section 117(3)(d) of the Act of 2004 (no cohabitation for [^{F4}two] years) are relied on shall be made in Form CP30 and shall only be of effect if it is signed by the applicant.
- (3) A simplified dissolution of civil partnership application in which the facts set out in section 117(2)(b) of the Act of 2004 (issue of interim gender recognition certificate) are relied on shall be made in Form CP31 and shall only be of effect if it is signed by the applicant.

Textual Amendments

- F3** Words in [Sch. 1 rule 33A.67\(1\)](#) substituted (4.5.2006) by Act of Sederunt (Ordinary Cause Rules) Amendment (Family Law (Scotland) Act 2006 etc.) 2006 ([S.S.I. 2006/207](#)), {rule 2(56)(a)}
- F4** Word in [Sch. 1 rule 33A.67\(2\)](#) substituted (4.5.2006) by Act of Sederunt (Ordinary Cause Rules) Amendment (Family Law (Scotland) Act 2006 etc.) 2006 ([S.S.I. 2006/207](#)), {rule 2(56)(b)}

Lodging of applications

- 33A.68. The applicant shall send a simplified dissolution of civil partnership application to the sheriff clerk with—
- (a) an extract or certified copy of the civil partnership certificate;
 - (b) the appropriate fee; and
 - (c) in an application under section 117(2)(b) of the Act of 2004, the interim gender recognition certificate or a certified copy, within the meaning of rule 33A.9(4).

Citation and intimation

- 33A.69(1) This rule is subject to rule 33A.70 (citation where address not known).

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- (2) It shall be the duty of the sheriff clerk to cite any person or intimate any document in connection with a simplified dissolution of civil partnership application.
- (3) The form of citation—
 - (a) in an application relying on the facts in section 117(3)(c) of the Act of 2004 shall be in Form CP32;
 - (b) in an application relying on the facts in section 117(3)(d) of the Act of 2004 shall be in Form CP33; and
 - (c) in an application relying on the facts in section 117(2)(b) of the Act of 2004 shall be in Form CP34.
- (4) The citation or intimation required by paragraph (2) shall be made—
 - (a) by the sheriff clerk by registered post or the first class recorded delivery service in accordance with rule 5.3 (postal service or intimation);
 - (b) on payment of an additional fee, by a sheriff officer in accordance with rule 5.4(1) and (2) (service within Scotland by sheriff officer); or
 - (c) where necessary, by the sheriff clerk in accordance with rule 5.5 (service on persons furth of Scotland).
- (5) Where citation or intimation is made in accordance with paragraph (4)(c), the translation into an official language of the country in which service is to be executed required by rule 5.5(6) shall be provided by the party lodging the simplified dissolution of civil partnership application.

Citation where address not known

- 33A.70(1) In a simplified dissolution of civil partnership application in which the facts in section 117(3)(d) (no cohabitation for [^{F5}two] years) or section 117(2)(b) (issue of interim gender recognition certificate) of the Act of 2004 are relied on and the address of the other party to the civil partnership is not known and cannot reasonably be ascertained—
- (a) citation shall be executed by displaying a copy of the application and a notice in Form CP35 on the walls of court on a period of notice of 21 days; and
 - (b) intimation shall be made to—
 - (i) every person who was a child of the family (within the meaning of section 101(7) of the Act of 2004) who has reached the age of 16 years, and
 - (ii) one of the next of kin of the other party to the civil partnership who has reached that age, unless the address of such person is not known and cannot reasonably be ascertained.
- (2) Intimation to a person referred to in paragraph (1)(b) shall be given by intimating a copy of the application and a notice of intimation in Form CP36.

Textual Amendments

- F5** Word in [Sch. 1 rule 33A.70\(1\)](#) substituted (4.5.2006) by Act of Sederunt (Ordinary Cause Rules) Amendment (Family Law (Scotland) Act 2006 etc.) 2006 ([S.S.I. 2006/207](#)), {rule 2(57)}

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Opposition to applications

- 33A.71(1) Any person on whom service or intimation of a simplified dissolution of civil partnership application has been made may give notice by letter sent to the sheriff clerk that he challenges the jurisdiction of the court or opposes the grant of decree of dissolution of civil partnership and giving the reasons for his opposition to the application.
- (2) Where opposition to a simplified dissolution of civil partnership application is made under paragraph (1), the sheriff shall dismiss the application unless he is satisfied that the reasons given for the opposition are frivolous.
- (3) The sheriff clerk shall intimate the decision under paragraph (2) to the applicant and the respondent.
- (4) The sending of a letter under paragraph (1) shall not imply acceptance of the jurisdiction of the court.

Evidence

- 33A.72. Parole evidence shall not be given in a simplified dissolution of civil partnership application.

Decree

- 33A.73(1) The sheriff may grant decree in terms of the simplified dissolution of civil partnership application on the expiry of the period of notice if such application has been properly served provided that, when the application has been served in a country to which the Hague Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters dated 15 November 1965^{F6} applies, decree shall not be granted until it is established to the satisfaction of the sheriff that the requirements of article 15 of that Convention have been complied with.
- (2) The sheriff clerk shall, not sooner than 14 days after the granting of decree in terms of paragraph (1), issue to each party to the civil partnership an extract of the decree of dissolution of civil partnership in Form CP37.

Textual Amendments

F6 Cmnd. 3986 (1969).

Appeals

- 33A.74. Any appeal against an interlocutor granting decree of dissolution of civil partnership under rule 33A.73 (decree) may be made, within 14 days after the date of decree, by sending a letter to the court giving reasons for the appeal.

Applications after decree

- 33A.75. Any application to the court after decree of dissolution of civil partnership has been granted in a simplified dissolution of civil partnership application which could have been made if it had been made in an action of dissolution of civil partnership shall be made by minute.

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