
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 302

Act of Sederunt (Rules of the Court of Session and Sheriff Court Rules Amendment No. 2) (Marriage and Civil Partnership (Scotland) Act 2014) 2014

Amendment of Chapter 33 of the Ordinary Cause Rules

5.—(1) Chapter 33 of the Ordinary Cause Rules is amended in accordance with the following subparagraphs.

(2) At the end of rule 33.1(1) insert—

“(r) an action for declarator of recognition, or non-recognition, of a relevant foreign decree within the meaning of paragraph 1 of Schedule 1B to the Domicile and Matrimonial Proceedings Act 1973, or of a judgment to which paragraph 2(1)(b) of that Schedule refers.”.

(3) After rule 33.6 (Averments where aliment or financial provision sought), insert—

“Averments where divorce sought on ground of issue of interim gender recognition certificate

33.6ZA.—(1) This rule applies to an action of divorce in which divorce is sought on the ground that an interim gender recognition certificate has been issued to either party.

(2) In an action to which this rule applies, the pursuer shall state in the condescence of the initial writ—

(a) where the pursuer is the party to whom the interim gender recognition certificate was issued, whether or not the Gender Recognition Panel has issued a full gender recognition certificate to the pursuer, and

(b) where the defender is the party to whom the interim gender recognition certificate was issued, whether—

(i) since the issue of the interim gender recognition certificate, the pursuer has made a statutory declaration consenting to the marriage continuing, and

(ii) the Gender Recognition Panel has given the pursuer notice of the issue of a full gender recognition certificate to the defender.”.

(4) At the end of rule 33.28(1)(a) insert—

“(vii) for declarator of recognition, or non-recognition, of a relevant foreign decree within the meaning of paragraph 1 of Schedule 1B to the Domicile and Matrimonial Proceedings Act 1973, or of a judgment to which paragraph 2(1)(b) of that Schedule refers.”.

(5) In rule 33.96(1)—

(a) before “a decree”, insert “(a)”; and

(b) at the end insert—

“(b) a decree of divorce, nullity of separation in respect of a same sex marriage when granted in a member state of the European Union.”.