
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 Appendix 1 to the Ordinary Cause Rules

6.—(1) The Ordinary Cause Rules are amended in accordance with the following subparagraphs.

(2) In Form F21 (Form of notice to defender where it is stated that defender consents to the granting of decree of separation), in paragraph 1(b) for “wife [*or* husband]” substitute “spouse”.

(3) In Form F24 (Form of notice to defender in action of separation where it is stated there has been two years’ non-cohabitation), in paragraph 2 for “wife [*or* husband]” substitute “spouse”.

(4) In Form F24A (Form of notice to defender in action of divorce where an interim gender recognition certificate has been issued), for paragraph 1 substitute—

“
1. The copy initial writ served on you together with this notice states that an interim gender recognition certificate has been issued to you [*or* the pursuer]. If the pursuer establishes this as a matter of fact, and that the Gender Recognition Panel has not issued a full gender recognition certificate, decree will be granted.
”

(5) In Form F31 (Form of simplified divorce application under section 1(2)(d) of the Divorce (Scotland) Act 1976)—

(a) in each of the heading of the form, and the heading of Part 2, for “husband and wife” substitute “spouses”;

(b) in Part 2, in the notice to consenting spouse, for “husband or wife” substitute “spouse”;

(c) In Part 3, in the applicant’s affidavit, for “husband/wife” substitute “spouse”.

(6) In Form F33 (Form of simplified divorce application under section 1(2)(e) of the Divorce (Scotland) Act 1976)—

(a) in the heading of the form, for “husband and wife” substitute “spouses”;

(b) in paragraph 12 of Part 1, for “husband or wife” substitute “spouse”.

(7) In Form F33A (Form of simplified divorce application under section 1(1)(b) of the Divorce (Scotland) Act 1976), in Part 1—

(a) in section 7, after paragraph (ii), insert—

Status: This is the original version (as it was originally made).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

“

Please answer the following question only if the interim gender recognition certificate was issued to you—

- (iii) Has the Gender Recognition Panel issued you with a full *[YES/NO] gender recognition certificate?

Please answer the following question only if the interim gender recognition certificate was issued to your spouse—

- (iv) Since the date referred to in question (ii), have you made a *[YES/NO] statutory declaration consenting to the marriage continuing?

”

(b) in paragraph 11, for “husband or wife” substitute “spouse”.

(8) In Form F34 (Form of citation in application relying on the facts in section 1(2)(d) of the Divorce (Scotland) Act 1976), in the heading of the form for “husband and wife” substitute “spouses”.

(9) In Form F35 (Form of citation in application relying on the facts in section 1(2)(e) of the Divorce (Scotland) Act 1976), in the heading of the form for “husband and wife” substitute “spouses”.