

Status: This is the original version (as it was originally made).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.7(1)(a)

FORM CP1

Form of intimation to children and next-of-kin in an action of dissolution of civil partnership or separation of civil partners where defender's address is not known

FORM CP1

Rule 33A.7(1)(a)

Form of intimation to children and next-of-kin in an action of dissolution of civil partnership or separation of civil partners where defender's address is not known

Court ref. no.

To *(insert name and address as in warrant)*

You are given NOTICE that an action of dissolution of a civil partnership [or separation of civil partners] has been raised against *(insert name)* your *(insert relationship, e.g. father, mother, brother or other relative as the case may be)*. If you know of his [or her] present address, you are requested to inform the sheriff clerk *(insert address of sheriff clerk)* in writing immediately. If you wish to appear as a party you must lodge a minute with the sheriff clerk for leave to do so. Your minute must be lodged within 21 days of *(insert date on which intimation was given, N.B. Rule 5.3(2) relating to postal service or intimation)*.

Date *(insert date)*

(Signed)

Solicitor for the pursuer

(insert designation and business address)

NOTE

If you decide to lodge a minute it may be in your best interests to consult a solicitor. The minute should be lodged with the sheriff clerk together with the appropriate fee of *(insert amount)* and a copy of this intimation.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

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Rule 33A.7(1)(b)

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FORM CP2

Form of intimation to children, next-of-kin, guardian and attorney
in action of dissolution of civil partnership or separation of
civil partners where defender suffers from a mental disorder

FORM CP2

Rule 33A.7(1)(b)

Form of intimation to children, next-of-kin, guardian and attorney in action of dissolution of civil
partnership or separation of civil partners where defender suffers from a mental disorder

Court ref. no.

To *(insert name and address as in warrant)*

You are given NOTICE that an action of dissolution of a civil partnership [or separation of civil partners] has been raised against *(insert name)* you *(insert relationship, e.g. father, mother, brother or other relative, ward or grantee of a power of attorney as the case may be)*. A copy of the initial writ is enclosed. If you wish to appear as a party, you must lodge a minute with the sheriff clerk *(insert address of sheriff clerk)*, for leave to do so. Your minute must be lodged within 21 days of *(insert date on which intimation was given. N.B. Rule 5.3(2) relating to postal service or intimation)*.

Date *(insert date)*

(Signed)

Solicitor for the pursuer

(insert designation and business address)

NOTE

If you decide to lodge a minute it may be in your best interests to consult a solicitor. The minute should be lodged with the sheriff clerk together with the appropriate fee of *(insert amount)* and a copy of this intimation.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency

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Rule 33A.7(1)(c)(i) and (ii)

FORM CP3

Form of intimation to a local authority or third party who may be liable to maintain a child in a civil partnership action

FORM CP3

Rule 33A.7(1)(c)(i) and (ii)

Form of intimation to a local authority or third party who may be liable to maintain a child in a civil partnership action

Court ref. no.

To *(insert name and address as in warrant)*

YOU ARE GIVEN NOTICE that in this action, the court may make an order under section 11 of the Children (Scotland) Act 1995 in respect of *(insert name and address)*, a child in your care [or liable to be maintained by you]. A copy of the initial writ is attached. If you wish to appear as a party, you must lodge a minute with the sheriff clerk *(insert address of sheriff clerk)*, for leave to do so. Your minute must be lodged within 21 days of *(insert date on which intimation was given)*. *N.B. Rule 5.3(2) relating to postal service or intimation).*

Date *(insert date)*

(Signed)

Solicitor for the pursuer

(insert designation and business address)

NOTE

If you decide to lodge a minute it may be in your best interests to consult a solicitor. The minute should be lodged with the sheriff clerk together with the appropriate fee of *(insert amount)* and a copy of this intimation

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

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Rule 33A.7(1)(c)(iii)

FORM CP4

Form of intimation to person who in fact exercises care or control of a child in a civil partnership action

FORM CP4

Rule 33A.7(1)(c)(iii)

Form of intimation to person who in fact exercises care or control of a child in a civil partnership action

Court ref. no

To *(insert name and address as in warrant)*

YOU ARE GIVEN NOTICE that in this action, the court may make an order under section 11 of the Children (Scotland) Act 1995 in respect of *(insert name and address)*, a child at present in your care or control. A copy of the initial writ is attached. If you wish to appear as a party, you must lodge a minute with the sheriff clerk *(insert address of sheriff clerk)*, for leave to do so. Your minute must be lodged within 21 days of *(insert date on which intimation was given N.B. Rule 5.3(2) relating to postal service or intimation)*.

Date *(insert date)*

(Signed)

Solicitor for the pursuer

(insert designation and business address)

NOTE

If you decide to lodge a minute it may be in your best interests to consult a solicitor. The minute should be lodged with the sheriff clerk together with the appropriate fee of *(insert amount)* and a copy of this intimation.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

Rule 33A.7(1)(d)

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FORM CP5

Form of notice to parent or guardian in a civil partnership action which includes a crave for a section 11 order in respect of a child

FORM CP5

Rule 33A.7(1)(d)

Form of notice to parent or guardian in a civil partnership action which includes a crave for a section 11 order in respect of a child

Court ref. no.

1 YOU ARE GIVEN NOTICE that in this action, the pursuer is applying for an order under section 11 of the Children (Scotland) Act 1995 in respect of the child *(insert name of child)*. A copy of the initial writ is served on you and is attached to this notice.

2 If you wish to oppose this action, or oppose the granting of any order applied for by the pursuer in respect of the child, you must lodge a notice of intention to defend (Form CP16). See Form CP16 attached for further details.

Date (insert date)

(Signed)

Pursuer

[or Solicitor for the pursuer]

(insert designation and business address)

NOTE: IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

Rule 33A.7(1)(e), 33A.7(4) and 33A.12(2) and (3)

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FORM CP6

Form of notice to local authority requesting a report
in respect of a child in a civil partnership action

FORM CP6

**Rule 33A.7(1)(e), 33A.7(4)
and 33A.12(2) and (3)**

Form of notice to local authority requesting a report in respect of a child in a civil partnership
action

Court ref. no.

To *(insert name and address)*

1. YOU ARE GIVEN NOTICE that in an action in the Sheriff Court at *(insert address)* the pursuer has applied for a residence order in respect of the child *(insert name of child)*. A copy of the initial writ is enclosed.

2. You are required to submit to the court a report on all the circumstances of the child and on the proposed arrangements for the care and upbringing of the child.

Date *(insert date)*

(Signed)

Solicitor for the pursuer

(insert designation and business address)

Rule 33A.7(1)(f), 33A.15(2) and 33A.19(1)(a)

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FORM CP7

Form of intimation in a civil partnership action
which includes a crave for a section 11 order

FORM CP7

**Rule 33A.7(1)(f), 33A.15(2)
and 33A.19(1)(a)**

Form of intimation in a civil partnership action which includes a crave for a section 11 order

Court ref. no.

PART A

This part must be completed by the Pursuer's solicitor in language a child is capable of understanding.

To (1)

The Sheriff (the person who has to decide about your future) has been asked by (2) to decide:-

- (a) (3) and (4)
- (b) (5)
- (c) (6)

If you want to tell the Sheriff what you think about the things your (2) has asked the Sheriff to decide about your future you should complete Part B of this form and send it to the Sheriff Clerk at (7) by (8). An envelope which does not need a postage stamp is enclosed for you to use to return the form.

IF YOU DO NOT UNDERSTAND THIS FORM OR IF YOU WANT HELP TO COMPLETE IT you may get help from a SOLICITOR or contact the SCOTTISH CHILD LAW CENTRE on the FREE ADVICE TELEPHONE LINE ON 0800 328 8970.

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If you return the form it will be given to the Sheriff. The Sheriff may wish to speak with you and ask you to come and see him or her.

NOTES FOR COMPLETION

(1) Insert name and address of child.	(2) Insert relationship to the child of party making the application to court
(3) Insert appropriate wording for residence order sought.	(4) Insert address.
(5) Insert appropriate wording for contact order sought.	(6) Insert appropriate wording for any other order sought.
(7) Insert address of sheriff clerk.	(8) Insert the date occurring 21 days after the date on which intimation is given. N.B. Rule 5.3(2) relating to intimation and service.
(9) Insert court reference number	(10) Insert name and address of parties to the action.

PART B

IF YOU WISH THE SHERIFF TO KNOW YOUR VIEWS ABOUT YOUR FUTURE YOU SHOULD COMPLETE THIS PART OF THE FORM

To the Sheriff Clerk, (7)

Court Ref. No. (9)

(10).....

QUESTION (1): DO YOU WISH THE SHERIFF TO KNOW WHAT YOUR VIEWS ARE ABOUT YOUR FUTURE?

(PLEASE TICK BOX)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If you have ticked YES please also answer Question (2) or (3)

QUESTION (2): WOULD YOU LIKE A FRIEND, RELATIVE OR OTHER PERSON TO TELL THE SHERIFF YOUR VIEWS ABOUT YOUR FUTURE?

(PLEASE TICK BOX)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If you have ticked YES please write the name and address of the person you wish to tell the Sheriff your views in Box (A) below. You should also tell that person what your views are about your future.

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BOX A. (NAME)

(ADDRESS)

Is this person: A friend? A relative?

A teacher? Other?

OR

QUESTION (3) WOULD YOU LIKE TO WRITE TO THE SHERIFF AND TELL HIM WHAT YOUR VIEWS ARE ABOUT YOUR FUTURE?

(PLEASE TICK BOX)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If you decide that you wish to write to the Sheriff you can write what your views are about your future in Box (B) below or on a separate piece of paper. If you decide to write your views on a separate piece of paper you should send it along with this form to the Sheriff Clerk in the envelope provided.

BOX B: WHAT I HAVE TO SAY ABOUT MY FUTURE:

NAME:

ADDRESS:

DATE:

Rule 33A.7(1)(g)

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FORM CP8

Form of intimation to creditor in application for order for the transfer of property under section 8 of the Family Law (Scotland) Act 1985 in a civil partnership action

FORM CP8

Rule 33A.7(1)(g)

Form of intimation to creditor in application for order for the transfer of property under section 8 of the Family Law (Scotland) Act 1985 in a civil partnership action

Court ref. no.

To *(insert name and address as in warrant)*

You are given NOTICE that in this action, an order is sought for the transfer of property *(specify the order)*, over which you hold a security. A copy of the initial writ is attached. If you wish to appear as a party, you must lodge a minute with the sheriff clerk *(insert address of sheriff clerk)*, for leave to do so. Your minute must be lodged within 21 days of *(insert date on which intimation was given. N.B. Rule 5.3(2) relating to postal service or intimation)*.

Date *(insert date)*

(Signed)

Solicitor for the pursuer

(insert designation and business address)

NOTE

If you decide to lodge a minute it may be in your best interests to consult a solicitor. The minute should be lodged with the sheriff clerk together with the appropriate fee of *(insert amount)* and a copy of this intimation.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

Rule 33A.7(1)(h)

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FORM CP9

Form of intimation in a civil partnership action where the pursuer makes an application for an order under section 18 of the Family Law (Scotland) Act 1985

FORM CP9

Rule 33A.7(1)(b)

Form of intimation in a civil partnership action where the pursuer makes an application for an order under section 18 of the Family Law (Scotland) Act 1985

Court ref. no.

To *(insert name and address as in warrant)*

You are given NOTICE that in this action, the pursuer craves the court to make an order under section 18 of the Family Law (Scotland) Act 1985. A copy of the initial writ is attached. If you wish to appear as a party, you must lodge a minute with the sheriff clerk *(insert address of sheriff clerk)*, for leave to do so. Your minute must be lodged within 21 days of *(insert date on which intimation was given. N.B. Rule 5.3(7) relating to postal service or intimation)*.

Date *(insert date)*

(Signed)

Solicitor for the pursuer

(insert designation and business address)

NOTE

If you decide to lodge a minute it may be in your best interests to consult a solicitor. The minute should be lodged with the sheriff clerk together with the appropriate fee of *(insert amount)* and a copy of this intimation

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

Rule 33A.7(1)(i)

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FORM CP10

Form of intimation in an action where an application is made under Chapter 3 of Part 3 of the Civil Partnership Act 2004

FORM CP10

Rule 33A.7(1)(i)

Form of intimation in an action where an application is made under Chapter 3 of Part 3 of the Civil Partnership Act 2004

Court ref. no

To *(insert name and address as in warrant)*

You are given NOTICE that in this action the pursuer craves the court to make an order under section *(insert the section under which the order(s) is sought)* of Chapter 3 of Part 3 of the Civil Partnership Act 2004. A copy of the initial writ is attached. If you wish to appear as a party, you must lodge a minute with the sheriff clerk *(insert address of sheriff clerk)*, for leave to do so. Your minute must be lodged within 21 days of *(insert date on which intimation was given. N.B. Rule 5.3(2) relating to posted service or intimation)*

Date *(insert date)*

(Signed)

Solicitor for the pursuer

(insert designation and business address)

NOTE

If you decide to lodge a minute it may be in your best interests to consult a solicitor. The minute should be lodged with the sheriff clerk together with the appropriate fee of *(insert amount)* and a copy of this intimation

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

Rule 33A.7(1)(j)

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

FORM CP11

Form of intimation to person responsible for pension arrangement in relation to an order for payment in respect of pension lump sum under section 12A of the Family Law (Scotland) Act 1985 in a civil partnership action

FORM CP11

Rule 33A.7(1)(j)

Form of intimation to person responsible for pension arrangement in relation to an order for payment in respect of pension lump sum under section 12A of the Family Law (Scotland) Act 1985 in a civil partnership action

Court ref. no.

To *(insert name and address as in warrant)*

You are given NOTICE that in this action, the pursuer has applied for an order under section 8 of the Family Law (Scotland) Act 1985 for a capital sum in circumstances where the family property includes rights in a pension arrangement under which a lump sum is payable. The relevant pension arrangement is *(give brief details, including number, if known)*. If you wish to appear as a party, you must lodge a minute with the sheriff clerk *(insert address of sheriff clerk)*, for leave to do so. Your minute must be lodged within 21 days of *(insert date on which intimation was given. N.B. Rule 5.3(2) relating to postal service or intimation)*.

Date *(insert date)*

(Signed)

Solicitor for the pursuer

(insert designation and business address)

NOTE

If you decide to lodge a minute it may be in your best interests to consult a solicitor. The minute should be lodged with the sheriff clerk together with the appropriate fee of *(insert amount)* and a copy of this intimation.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

Rule 33A.7(1)(k)

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FORM CP12

Form of intimation to person responsible for pension arrangement
in relation to pension sharing order under section 8(1)(baa) of
the Family Law (Scotland) Act 1985 in a civil partnership action

FORM CP12

Rule 33A.7(1)(k)

Form of intimation to person responsible for pension arrangement in relation to pension sharing
order under section 8(1)(baa) of the Family Law (Scotland) Act 1985 in a civil partnership action

Court ref. no.

To *(insert name and address as in warrant)*

You are given NOTICE that in this action, the pursuer has applied under section 8 of the Family Law (Scotland) Act 1985 for a pension sharing order in circumstances where the family property includes rights in a pension arrangement. The relevant pension arrangement is *(give brief details, including number, if known)*. If you wish to appear as a party, you must lodge a minute with the sheriff clerk *(insert address of sheriff clerk)*, for leave to do so. Your minute must be lodged within 21 days of *(insert date on which intimation was given N.B. Rule 5 3(2) relating to postal service or intimation)*.

Date *(insert date)*

(Signed)

Solicitor for the pursuer

(insert designation and business address)

NOTE

If you decide to lodge a minute it may be in your best interests to consult a solicitor. The minute should be lodged with the sheriff clerk together with the appropriate fee of *(insert amount)* and a copy of this intimation.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

Rule 33A.8(3)

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FORM CP13

Form of intimation to person with whom an association is alleged to have occurred in a civil partnership action

FORM CP13

Rule 33A.8(3)

Form of intimation to person with whom an association is alleged to have occurred in a civil partnership action

Court ref. no.

To *(insert name and address as in warrant)*

You are given NOTICE that in this action, the defender is alleged to have had an association with you. A copy of the initial writ is attached. If you wish to dispute the truth of the allegation made against you, you must lodge a minute with the sheriff clerk *(insert address of sheriff clerk)*, for leave to appear as a party. Your minute must be lodged within 21 days of *(insert date on which intimation was given. N.B. Rule 5.3(2) relating to postal service or intimation)*.

Date *(insert date)*

(Signed)

Solicitor for the pursuer

(insert designation and business address)

NOTE

If you decide to lodge a minute it may be in your best interests to consult a solicitor. The minute should be lodged with the sheriff clerk together with the appropriate fee of *(insert amount)* and a copy of this intimation.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

Rule 33A.10

FORM CP14

Form of warrant of citation in a civil partnership action

FORM CP14

Rule 33A.10

Form of warrant of citation in a civil partnership action

Court ref. no.

(Insert place and date)

Grants warrant to cite the defender *(insert name and address of defender)* by serving upon him *(or her)* a copy of the writ and warrant upon a period of notice of *(insert period of notice)* days, and ordains the defender to lodge a notice of intention to defend with the sheriff clerk at *(insert address of sheriff court)*, if he *(or she)* wishes to:

- (a) challenge the jurisdiction of the court;
- (b) oppose any claim made or order sought,
- (c) make any claim or seek any order.

[Meantime grants interim interdict, or warrant to arrest on the dependence].

Rule 33A.11(1) and 33A.13(1)(a)

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FORM CP15

Form of citation in a civil partnership action

FORM CP15

Rule 33A.11(1) and 33A.13(1)(a)

Form of citation in a civil partnership action

CITATION

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

[A.B.], *(insert designation and address)*, Pursuer, against [C.D.], *(insert designation and address)*,
Defender.

(Insert place and date)

Court ref no

You [C.D.] are hereby served with this copy writ and warrant, with Form CP16 (notice of intention to defend) [and *(insert details of any other form of notice served, e.g. any of the forms served in accordance with rule 33A.14)*].

Form CP16 is served on you for use should you wish to intimate an intention to defend the action

IF YOU WISH TO-

- (a) challenge the jurisdiction of the court;
- (b) oppose any claim made or order sought;
- (c) make any claim; or
- (d) seek any order;

you should consult a solicitor with a view to lodging a notice of intention to defend (Form CP16). The notice of intention to defend, together with the court fee of £ *(insert amount)* must be lodged with the sheriff clerk at the above address within 21 days *(or insert appropriate period of notice)* of *(insert the date on which service was executed. N.B. Rule 5 3(2) relating to postal service or intimation)*.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

PLEASE NOTE THAT IF YOU DO NOTHING IN ANSWER TO THIS DOCUMENT the court may regard you as admitting the claim made against you and the pursuer may obtain decree against you in your absence.

(Signed)

[P.Q.], Sheriff officer

or

[X.Y.], *(insert designation and business address)*

¹⁸ Solicitor for the pursuer]

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Rules 33A.11(1) and 33A.34(2)(a)

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FORM CP 16

Form of notice of intention to defend in a civil partnership action

FORM CP 16

Rules 33A.11(1) and 33A.34(2)(a)

Form of notice of intention to defend in a civil partnership action

NOTICE OF INTENTION TO DEFEND

PART A

<p>PART A (This section to be completed by the pursuer's solicitor before service.)</p> <p><i>[Insert name and business address of solicitor for the pursuer]</i></p>	<p>Court ref. No.</p> <p>In an action brought in Sheriff Court</p> <p>Pursuer</p> <p>Defender</p> <p>Date of service:</p>	<p>Date of expiry of period of notice</p>
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PART B

(This section to be completed by the defender or defender's solicitor, and both parts of the form to be returned to the Sheriff Clerk at the above Sheriff Court on or before the date of expiry of the period of notice referred to in Part A above.)

(Insert place and date)

[C.D.] *(insert designation and address)*, Defender, intends to

- (a) challenge the jurisdiction of the court;
- (b) oppose a crave in the initial writ;
- (c) make a claim;
- (d) seek an order;

in the action against him [or her] raised by [A.B.], *(insert designation and address)*, Pursuer

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PART C

(This section to be completed by the defender or the defender's solicitor where an order under section 11 of the Children (Scotland) Act 1995 in respect of a child is opposed by the defender).

DO YOU WISH TO OPPOSE THE MAKING OF ANY ORDER CRAVED BY THE PURSUER IN RESPECT OF A CHILD?

YES/NO*

*delete as appropriate

If you answered YES to the above question, please state here the order(s) which you wish to oppose and the reasons why the court should not make such order(s).

PART D

(This section to be completed by the defender or the defender's solicitor where an order under section 11 of the Children (Scotland) Act 1995 in respect of a child is sought by the defender).

DO YOU WISH THE COURT TO MAKE ANY ORDER UNDER SECTION 11 OF THE CHILDREN (SCOTLAND) ACT 1995 IN RESPECT OF A CHILD?

YES/NO*

*delete as appropriate

If you answered YES to the above question, please state here the order(s) which you wish the court to make and the reasons why the court should make such order(s).

PART E

IF YOU HAVE COMPLETED PART D OF THIS FORM YOU MUST INCLUDE EITHER CRAVE (1) OR (2) BELOW (*delete as appropriate)

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(1)* Warrant for intimation of notice in terms of Form CP7 on the child(ren) *(insert full name(s) and date(s) of birth)* is sought.

(2)* I seek to dispense with intimation on the child(ren) *(insert full name(s) and date(s) of birth)* for the following reasons:-

Signed

[C.D.] Defender *for* [X.Y.] *(add designation and business address)*

Solicitor for Defender]

Rule 33A.11(2)

FORM CP17

Form of certificate of citation in a civil partnership action

FORM CP17

Rule 33A.11(2)

Form of certificate of citation in a civil partnership action

CERTIFICATE OF CITATION

(Insert place and date) I, _____ hereby certify that upon the _____ day of _____ I duly cited [C.D.], Defender, to answer to the foregoing writ. This I did by *(state method of service; if by officer and not by post, add: in the presence of [L.M.] (insert designation), witness hereto with me subscribing, and insert details of any forms of intimation or notice sent including details of the person to whom intimation sent and the method of service).*

(Signed)

[P.Q.], Sheriff officer

[L.M.], witness

or

[X.Y.] *(add designation and business address)*

Solicitor for the pursuer]

Rule 33A.13(1)(c)

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FORM CP18

Form of request to medical officer of hospital or similar institution in a civil partnership action

FORM CP18

Rule 33A.13(1)(c)

Form of request to medical officer of hospital or similar institution in a civil partnership action

To *(insert name and address of medical officer)*

In terms of rule 33A.13(1)(c) of the Ordinary Cause Rules of the Sheriff Court a copy of the initial writ at the instance of *(insert name and address of pursuer)*, Pursuer, against *(insert name and address of defender)*, Defender, is enclosed and you are requested to

- (a) deliver it personally to *(insert name of defender)*, and
- (b) explain the contents to him or her,

unless you are satisfied that such delivery or explanation would be dangerous to his or her health or mental condition. You are further requested to complete and return to me in the enclosed stamped addressed envelope the certificate appended hereto, making necessary deletions.

Date *(insert date)*

(Signed)

Solicitor for the pursuer *(add designation and business address)*

Rule 33A.13(1)(d) and 33A.13(2)

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

FORM CP19

Form of certificate by medical officer of hospital or similar institution in a civil partnership action

FORM CP19

Rule 33A.13(1)(d) and 33A.13(2)

Form of certificate by medical officer of hospital or similar institution in a civil partnership action

Court ref no

I (*insert name and designation*) certify that I have received a copy initial writ in an action of (*type of civil partnership action to be inserted by the party requesting service*) at the instance of (*insert name and designation*), Pursuer, against (*insert name and designation*), Defender, and that

* I have on the day of personally delivered a copy thereof to the said defender who is under my care at (*insert address*) and I have explained the contents or purport thereof to him or her, or

* I have not delivered a copy thereof to the said defender who is under my care at (*insert address*) and I have not explained the contents thereof to him or her because (*state reasons*).

Date (*insert date*)

(Signed)
Medical officer (*add designation and address*)

* Delete as appropriate.

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

FORM CP20

Form of notice to defender where it is stated that defender consents to granting decree of dissolution of a civil partnership

FORM CP20

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

Form of notice to defender where it is stated that defender consents to granting decree of dissolution of a civil partnership

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 dissolution of your civil partnership.

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 dissolution of your civil partnership will be granted;

(b) on the grant of a decree of dissolution of your civil partnership you may lose your rights of succession to the pursuer's estate; and

(c) decree of dissolution will end your 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

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 dissolution of your civil partnership, 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 10(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 dissolution of your civil partnership in this action, you should complete and sign the attached notice of consent (Form CP21) and send it to the sheriff clerk at the sheriff court referred to in the initial writ within 21 days of (insert the date on which service was executed N.B. Rule 5.3(2) relating to postal service).

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)

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

Rules 33A.14(1)(a)(i) and 33A.18(1)

FORM CP21

Form of notice of consent in actions of dissolution of a civil partnership under section 117(3)(c) of the Civil Partnership Act 2004

FORM CP21

Rules 33A.14(1)(a)(i) and 33A.18(1)

Form of notice of consent in actions of dissolution of a civil partnership under section 117(3)(c) of the Civil Partnership Act 2004

Court ref. no.

[A B.], (*insert designation and address*), Pursuer, against [C.D.], (*insert designation and address*),
Defender

I, (*full name and address of the defender to be inserted by pursuer or pursuer's solicitor before sending notice*) have received a copy of the writ in the action against me at the instance of (*full name and address of pursuer to be inserted by pursuer or pursuer's solicitor before sending notice*) I understand that it states that I consent to the grant of decree of dissolution of the civil partnership in this action. I have considered the consequences for me mentioned in the notice (Form CP20) sent to me with this notice. I consent to the grant of decree of dissolution of the civil partnership in this action.

Date (*insert date*)

(*Signed*)

Defender

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

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)

Rules 33A.14(1)(a)(ii) and 33A.18(1)

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

FORM CP23

Form of notice of consent in actions of separation of civil partners under section 120 of the Civil Partnership Act 2004

FORM CP23

Rules 33A.14(1)(a)(ii) and 33A.18(1)

Form of notice of consent in actions of separation of civil partners under section 120 of the Civil Partnership Act 2004

Court ref. no

[A B], (*insert designation and address*), Pursuer against [C.D], (*insert designation and address*),
Defender.

I, (*full name and address of the defender to be inserted by pursuer or pursuer's solicitor before sending notice*) confirm that I have received a copy of the initial writ in the action against me at the instance of (*full name and address of pursuer to be inserted by pursuer or pursuer's solicitor before sending notice*). I understand that it states that I consent to the grant of decree of separation of civil partners in this action. I have considered the consequences for me mentioned in the notice (Form CP22) sent together with this notice. I consent to the grant of decree of separation of civil partners in this action.

Date (*insert date*)

(*Signed*)

Defender

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

FORM CP24

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)

Rule 33A.14(1)(b)(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 CP25

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

FORM CP25

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

Form of notice to defender in an action for separation of civil partners 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 there are grounds justifying a decree of separation of civil partners, a decree will be granted.

2. On the granting of decree of separation 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.

3. You are entitled, whether or not you disputes that there has been no such cohabitation during that five year period, to apply to the sheriff in this action

(a) to make provision 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)

Rule 33A.23(2)

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

FORM CP26

Form of intimation to parties of a Child Welfare Hearing in a civil partnership action

FORM CP26

Rule 33A.23(2)

Form of intimation to parties of a Child Welfare Hearing in a civil partnership action

Sheriff court *(insert address and telephone number)*

Court ref no

In this action [A.B.] *(designs)*, Pursuer, against [C.D.] *(designs)*, Defender

YOU ARE GIVEN NOTICE that a Child Welfare Hearing has been fixed for *(insert time)* on *(insert date)* at *(insert place)*.

Date *(insert date)*

Signed

Sheriff Clerk (Depute)

Rule 33A.30(1)(b)

FORM CP27

Form of minute for decree in a civil partnership action to which rule 33A.29 applies

FORM CP27

Rule 33A.30(1)(b)

Form of minute for decree in a civil partnership action to which rule 33A.29 applies

(Insert name of solicitor for the pursuer) having considered the evidence contained in the affidavits and the other documents all as specified in the schedule hereto, and being satisfied that upon the evidence a motion for decree (in terms of the crave of initial writ) *[or in such restricted terms as may be appropriate]* may be properly be made, moves the court accordingly.

In respect whereof

Signed

Solicitor for the Pursuer *(add designation and business address)*

SCHEDULE

(Number and specify documents considered)

Rules 33A.65(1) and 33A.65(2)

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

FORM CP28

Form of certificate of delivery of documents
to chief constable in a civil partnership action

FORM CP28

Rules 33A.65(1) and 33A.65(2)

Form of certificate of delivery of documents to chief constable in a civil partnership action

(Insert place and date) I, _____ hereby certify that upon the _____ day of _____ I duly delivered to *(insert name and address)* chief constable of *(insert name of constabulary)* *(insert details of the documents delivered)* This I did by *(state method of service)*

Signed

Solicitor for the pursuer

(add designation and business address)

Rule 33A.67(1)

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

FORM CP29

Form of simplified dissolution of civil partnership application under section 117(3)(c) of the Civil Partnership Act 2004

FORM CP29

Rule 33A.67(1)

Form of simplified dissolution of civil partnership application under section 117(3)(c) of the Civil Partnership Act 2004

Sheriff Clerk

Sheriff Court House

.....
.....

(Telephone).....

APPLICATION FOR DISSOLUTION OF A CIVIL PARTNERSHIP WITH CONSENT OF OTHER PARTY TO THE CIVIL PARTNERSHIP (CIVIL PARTNERS HAVING LIVED APART FOR AT LEAST TWO YEARS)

Before completing this form, you should have read the leaflet entitled "Do it yourself Dissolution", which explains the circumstances in which a dissolution of a civil partnership may be sought by this method. If the simplified procedure appears to suit your circumstances, you may use this form to apply for dissolution of your civil partnership. Below you will find directions designed to assist you with your application. Please follow them carefully. In the event of difficulty, you may contact any sheriff clerk's office or Citizen Advice Bureau

Directions for making application

WRITE IN INK. USING BLOCK CAPITALS

- | | |
|--|--|
| Application
(Part 1) | 1. Complete and sign Part 1 of the form (pages 3-7), paying particular attention to the notes opposite each section. |
| Consent of
civil partner
(Part 2) | 2. When you have completed Part 1 of the form, attach the (blue) instruction sheet SP3 to it and send both documents to your civil partner for completion of the consent at Part 2 (page 9).

NOTE: If your civil partner does NOT complete and sign the form of consent, your application cannot proceed further under the simplified procedure. In that event, if you still wish to obtain a dissolution of your civil partnership, you should consult a solicitor. |
| Affidavit
(Part 3) | 3. When the application has been returned to you with the consent (Part 2) duly completed and signed, you should take the form to a Justice of the Peace, Notary Public, Commissioner for Oaths or other duly authorised person so that your affidavit at Part 3 (page 10) may be completed and sworn. |
| Returning
completed
application
form to court | 4. When directions 1-3 above have been complied with, your application is now ready to be sent to the sheriff clerk at the above address. With it you must enclose:

(i) an extract of the registration of your civil partnership in the civil partnership register (the document headed "Extract of an entry in the Register of Civil Partnerships", which will be returned to you in due course). |

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or an equivalent document, and

(ii) either a cheque or postal order in respect of the court fee, crossed and made payable to "the Sheriff Clerk".

or a completed form SP15, claiming exemption from the court fee.

5. Receipt of your application will be promptly acknowledged. Should you wish to withdraw the application for any reason, please contact the sheriff clerk immediately.

PART 1

WRITE IN INK, USING BLOCK CAPITALS

1. NAME AND ADDRESS OF APPLICANT

Surname.....

Other name(s) in full.....

.....

Present address.....

.....

Daytime telephone number (if any).....

2. NAME AND ADDRESS OF CIVIL PARTNER

Surname.....

Other name(s) in full.....

.....

Present address.....

.....

Daytime telephone number (if any).....

3. JURISDICTION

Please indicate with a tick (✓) in the appropriate box or boxes which of the following apply:

PART A

(i) My civil partner and I are habitually resident in Scotland

(ii) My civil partner and I were last habitually resident in Scotland, and one of us still resides there

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

- (iii) My civil partner is habitually resident in Scotland
- (iv) I am habitually resident in Scotland having resided there for at least a year immediately before this application was made
- (v) I am habitually resident in Scotland having resided there for at least six months immediately before this application was made and am domiciled in Scotland

If you have ticked one or more of the boxes in Part A, you should go direct to Part C. You should only complete Part B if you have not ticked any of the boxes in Part A

PART B

- (i) I am domiciled in Scotland
- (ii) My civil partner is domiciled in Scotland
- (iii) No court has, or is recognised as having, jurisdiction under regulations made under section 219 of the Civil Partnership Act 2004

PART C

- (i) I have lived at the address shown above for at least 40 days immediately before the date I signed this application
- (ii) My civil partner has lived at the address shown above for at least 40 days immediately before the date I signed this application
- (iii) I lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and have no known residence in Scotland at that date

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

(iv) My civil partner lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and has no known residence in Scotland at that date

4. DETAILS OF PRESENT CIVIL PARTNERSHIP

Place of Registration of Civil Partnership: (Registration District)

Date of Registration of Civil Partnership: Day month year

5. PERIOD OF SEPARATION

(i) Please state the date on which you ceased to live with your civil partner. (If more than 2 years, just give the month and year)

Day: Month: Year:

(ii) Have you lived with your civil partner since that date? *[YES/NO]

(iii) If yes, for how long in total did you live together before finally separating again?
.....months

6. RECONCILIATION

Is there any reasonable prospect of reconciliation with your civil partner? *[YES/NO]

Do you consider that the civil partnership has broken down irretrievably? *[YES/NO]

7. CONSENT

Does your civil partner consent to a dissolution of the civil partnership being granted? *[YES/NO]

8. MENTAL DISORDER

Is your civil partner suffering from any mental disorder (whether illness or handicap)? (If yes, give details) *[YES/NO]

9. CHILDREN

Are there any children of the family under the age of 16? *[YES/NO]

10. OTHER COURT ACTIONS

Are you aware of any court actions currently proceeding in any country (including Scotland) which may affect your civil partnership? (If yes, give details) *[YES/NO]

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

* Delete as appropriate

11. REQUEST FOR DISSOLUTION OF THE CIVIL PARTNERSHIP AND DISCLAIMER OF FINANCIAL PROVISION

I confirm that the facts stated in paragraphs 1-10 above apply to my civil partnership.

I do NOT ask the sheriff to make any financial provision in connection with this application.

I request the sheriff to grant decree of dissolution of my civil partnership.

Date _____ Signature of Applicant.....

IMPORTANT

Part 1 **MUST** be completed, signed and dated before sending the application form to your civil partner.

PART 2

NOTICE TO CONSENTING CIVIL PARTNER

(Insert name and address of consenting civil partner)

CONSENT TO APPLICATION FOR DISSOLUTION OF A CIVIL PARTNERSHIP (CIVIL PARTNERS HAVING LIVED APART FOR AT LEAST TWO YEARS)

In Part 1 of the enclosed application form your civil partner is applying for dissolution of your civil partnership on the ground the civil partnership has broken down irretrievably because you and he [or she] have lived apart for at least two years and you consent to the dissolution being granted

Such consent must be given formally in writing at Part 2 of the application form. **BEFORE** completing that part, you are requested to read it over carefully so that you understand the effect of consenting to the dissolution of the civil partnership. Thereafter if you wish to consent

- (a) check the details given by the Applicant at Part 1 of the form to ensure that they are correct to the best of your knowledge;
- (b) complete Part 2 (Consent by Applicant's civil partner to dissolution) by entering your name and address at the appropriate place and adding your signature and the date; and
- (c) return the whole application form to your civil partner at the address given in Part 1.

Once your civil partner has completed the remainder of the form and has submitted it to the court, a copy of the whole application (including your consent) will later be served upon you formally by the sheriff clerk.

In the event of the dissolution of the civil partnership being granted, you will automatically be sent a copy of the extract decree. (Should you change your address before receiving the copy extract decree, please notify the sheriff clerk immediately.)

If you do NOT wish to consent please return the application form, with Part 2 uncompleted, to your civil partner and advise him or her of your decision.

The sheriff will NOT grant a dissolution of your civil partnership on this application if Part 2 of the form is not completed by you.

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

CONSENT BY APPLICANT'S CIVIL PARTNER TO DISSOLUTION OF CIVIL PARTNERSHIP

NOTE: Before completing this part of the form, please read the notes opposite (page 8)

I,

(Insert full name, in BLOCK letters, of Applicant's civil partner)

residing at.....

.....

.....

(Insert address, also in BLOCK letters)

HEREBY STATE THAT

- (a) I have read Part 1 of this application;
- (b) the Applicant has lived apart from me for a continuous period of two years immediately preceding the date of the application (paragraph 11 of Part 1);
- (c) I do not ask the sheriff to make any financial provision for me including—
 - (i) the payment by the Applicant of a periodical allowance (i.e. a regular payment of money weekly or monthly, etc. for maintenance);
 - (ii) the payment by the Applicant of a capital sum (i.e. a lump sum payment);
- (d) I understand that dissolution of my civil partnership may result in the loss to me of property rights; and
- (e) I CONSENT TO DECREE OF DISSOLUTION BEING GRANTED IN RESPECT OF THIS APPLICATION

Date Signature.....

NOTE: You may withdraw your consent, even after giving it, at any time before the dissolution of the civil partnership is granted by the sheriff. Should you wish to do so, please contact the sheriff clerk immediately.

**PART 3
APPLICANT'S AFFIDAVIT**

To be completed by the Applicant only after Parts 1 and 2 have been signed and dated.

I, *(insert Applicant's full name)*.....

residing at *(insert Applicant's present home address)*.....

.....

.....

SWEAR that to the best of my knowledge and belief:

- (1) the facts stated in Part 1 of this Application are true; and
- (2) the signature in Part 2 of this Application is that of my civil partner.

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

Signature of Applicant.....

SWORN at (insert place)

To be completed by Justice of the Peace, this..... day of 20.....

Notary Public or before me (insert full name)

Commissioner for (insert full address)

Oaths

Signature.....

*Justice of the Peace/ Notary Public/Commissioner for Oaths

* Delete as appropriate

Rule 33A.67(2)

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

FORM CP30

Form of simplified dissolution of civil partnership application under section 117(3)(d) of the Civil Partnership Act 2004

FORM CP30

Rule 33A.67(2)

Form of simplified dissolution of civil partnership application under section 117(3)(d) of the Civil Partnership Act 2004

Sheriff Clerk

Sheriff Court House

.....

.....

(Telephone).....

APPLICATION FOR DISSOLUTION OF A CIVIL PARTNERSHIP (CIVIL PARTNERS HAVING LIVED APART FOR AT LEAST FIVE YEARS)

Before completing this form, you should have read the leaflet entitled "Do it yourself Dissolution", which explains the circumstances in which a dissolution of a civil partnership may be sought by this method. If the simplified procedure appears to suit your circumstances, you may use this form to apply for dissolution of your civil partnership. Below you will find directions designed to assist you with your application. Please follow them carefully. In the event of difficulty, you may contact any sheriff clerk's office or Citizen Advice Bureau

Directions for making application

WRITE IN INK, USING BLOCK CAPITALS

- | | |
|---|--|
| Application (Part 1) | 1. Complete and sign Part 1 of the form (pages 3-7), paying particular attention to the notes opposite each section. |
| Affidavits (Part 2) | 2. When you have completed Part 1, you should take the form to a Justice of the Peace, Notary Public, Commissioner for Oaths or other duly authorised person so that your affidavit at Part 2 (page 8) may be completed and sworn. |
| Returning completed application form to court | <p>3. When directions 1-2 above have been complied with, your application is now ready to be sent to the sheriff clerk at the above address. With it you must enclose:</p> <p>(i) an extract of the registration of your civil partnership in the civil partnership register (the document headed "Extract of an entry in the Register of Civil Partnerships", which will be returned to you in due course), or an equivalent document. Check the notes on page 2 to see if you need to obtain a letter from the General Register Office stating that there is no record of your civil partner having dissolved the civil partnership, and</p> <p>(ii) either a cheque or postal order in respect of the court fee, crossed and made payable to "the Sheriff Clerk",</p> <p>or a completed form SP15, claiming exemption from the court fee.</p> <p>4. Receipt of your application ⁴⁰will be promptly acknowledged. Should you wish to withdraw the application for any reason, please contact the sheriff clerk immediately.</p> |

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

PART 1

WRITE IN INK, USING BLOCK CAPITALS

1. NAME AND ADDRESS OF APPLICANT

Surname.....

Other name(s) in full.....

.....

Present address.....

.....

Daytime telephone number (if any).....

2. NAME OF CIVIL PARTNER

Surname.....

Other name(s) in full.....

3. ADDRESS OF CIVIL PARTNER (If the address of your civil partner is not known, please enter "not known" in this paragraph and proceed to paragraph 4)

Present address.....

.....

.....

Daytime telephone number (if any).....

4. Only complete this paragraph if you do not know the present address of your civil partner

NEXT-OF-KIN

Name.....

Address.....

.....

.....

Relationship to your civil partner.....

CHILDREN OF THE FAMILY

Names and dates of birth

Addresses

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

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If insufficient space is available to list all the children of the family, please continue on a separate sheet and attach to this form.

5. JURISDICTION

Please indicate with a tick (✓) in the appropriate box or boxes which of the following apply:

PART A

- (i) My civil partner and I are habitually resident in Scotland
- (ii) My civil partner and I were last habitually resident in Scotland, and one of us still resides there
- (iii) My civil partner is habitually resident in Scotland
- (iv) I am habitually resident in Scotland having resided there for at least a year immediately before this application was made
- (v) I am habitually resident in Scotland having resided there for at least six months immediately before this application was made and am domiciled in Scotland

If you have ticked one or more of the boxes in Part A, you should go direct to Part C. You should only complete Part B if you have not ticked any of the boxes in Part A.

PART B

- (i) I am domiciled in Scotland
- (ii) My civil partner is domiciled in Scotland
- (iii) No court has, or is recognised as having, jurisdiction under regulations made under section 219 of the Civil Partnership Act 2004

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

PART C

- (i) I have lived at the address shown above for at least 40 days immediately before the date I signed this application _____
- (ii) My civil partner has lived at the address shown above for at least 40 days immediately before the date I signed this application _____
- (iii) I lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and have no known residence in Scotland at that date _____
- (iv) My civil partner lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and has no known residence in Scotland at that date _____

6. DETAILS OF PRESENT CIVIL PARTNERSHIP

Place of Registration of Civil Partnership.. . . .(Registration District)

Date of Registration of Civil Partnership: Day monthyear.

7. PERIOD OF SEPARATION

- (i) Please state the date on which you ceased to live with your civil partner (If more than 5 years, just give the month and year)
Day.....Month.....Year.....
- (ii) Have you lived with your civil partner since that date? *|YES/NO|
- (iii) If yes, for how long in total did you live together before finally separating again?
.....months

8. RECONCILIATION

Is there any reasonable prospect of reconciliation with your civil partner? *|YES/NO|

Do you consider that the civil partnership has broken down irremediably? *|YES/NO|

9. MENTAL DISORDER

Is your civil partner suffering from any mental disorder (whether illness or handicap)? (If yes, give details) *|YES/NO|

10. CHILDREN

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

Are there any children of the family under the age of 16? * [YES/NO]

11. OTHER COURT ACTIONS

Are you aware of any court actions currently proceeding in any country (including Scotland) which may affect your civil partnership? * [YES/NO]

(If yes, give details)

* Delete as appropriate

12. DECLARATION AND REQUEST FOR DISSOLUTION OF THE CIVIL PARTNERSHIP

I confirm that the facts stated in paragraphs 1-11 above apply to my civil partnership.

I do NOT ask the sheriff to make any financial provision in connection with this application.

I believe that no grave financial hardship will be caused to my civil partner as a result of this application.

I request the sheriff to grant decree of dissolution of my civil partnership.

Date Signature of Applicant

PART 2

APPLICANT'S AFFIDAVIT

To be completed by the Applicant only after Part 1 has been signed and dated.

I, (*insert Applicant's full name*)

residing at (*insert Applicant's present home address*)

.....

.....

SWEAR that to the best of my knowledge and belief the facts stated in Part 1 of this Application are true.

Signature of Applicant.....

SWORN at (*insert place*),

To be completed by this..... day of.....20.....

Justice of the Peace, before me (*insert full name*).....

Notary Public or Commissioner for (*insert full address*).....

Oaths.....

.....

.....

Signature.....

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

*Justice of the Peace/ Notary Public/Commissioner for Oaths

* Delete as appropriate

Rule 33A.67(3)

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

FORM CP31

Form of simplified dissolution of a civil partnership application on grounds under section 117(2)(b) of the Civil Partnership Act 2004

FORM CP31

Rule 33A.67(3)

Form of simplified dissolution of a civil partnership application on grounds under section 117(2)(b) of the Civil Partnership Act 2004

Sheriff Clerk

Sheriff Court House

.....
.....

(Telephone).

APPLICATION FOR DISSOLUTION OF A CIVIL PARTNERSHIP (INTERIM GENDER RECOGNITION CERTIFICATE ISSUED TO ONE OF THE CIVIL PARTNERS AFTER REGISTRATION OF THE CIVIL PARTNERSHIP)

Before completing this form, you should have read the leaflet entitled "Do it yourself Dissolution", which explains the circumstances in which a dissolution of a civil partnership may be sought by this method. If the simplified procedure appears to suit your circumstances, you may use this form to apply for dissolution of your civil partnership. Below you will find directions designed to assist you with your application. Please follow them carefully. In the event of difficulty, you may contact any sheriff clerk's office or Citizen Advice Bureau.

Directions for making application

WRITE IN INK, USING BLOCK CAPITALS

- | | |
|---|--|
| Application (Part 1) | 1. Complete and sign Part 1 of the form (pages 3-7), paying particular attention to the notes opposite each section. |
| Affidavits (Part 2) | 2. When you have completed Part 1, you should take the form to a Justice of the Peace, Notary Public, Commissioner for Oaths or other duly authorised person so that your affidavit at Part 2 (page 8) may be completed and sworn. |
| Returning completed application form to court | <p>3. When directions 1-2 above have been complied with, your application is now ready to be sent to the sheriff clerk at the above address. With it you must enclose:</p> <p>(i) an extract of the registration of your civil partnership in the civil partnership register (the document headed "Extract of an entry in the Register of Civil Partnerships", which will be returned to you in due course), or an equivalent document. Check the notes on page 2 to see if you need to obtain a letter from the General Register Office stating that there is no record of your civil partner having dissolved the civil partnership,</p> <p>(ii) either a cheque or postal order in respect of the court fee, crossed and made payable to "the Sheriff Clerk" or a completed form SP15, claiming exemption from the court fee, and</p> <p>(iii) the interim gender recognition certificate or a copy sealed with the seal of the Gender Recognition Panels and certified to be a true copy by an officer authorised by the President of Gender Recognition Panels.</p> |

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

4. Receipt of your application will be promptly acknowledged. Should you wish to withdraw the application for any reason, please contact the sheriff clerk immediately.

PART 1

WRITE IN INK, USING BLOCK CAPITALS

1. NAME AND ADDRESS OF APPLICANT

Surname.....

Other name(s) in full,

.....

Present address.....

.....

Daytime telephone number (if any)

2. NAME OF CIVIL PARTNER

Surname.....

Other name(s) in full.....

3. ADDRESS OF CIVIL PARTNER (If the address of your civil partner is not known, please enter "not known" in this paragraph and proceed to paragraph 4)

Present address.....

.....

.....

Daytime telephone number (if any).....

4 Only complete this paragraph if you do not know the present address of your civil partner

NEXT-OF-KIN

Name.....

Address.....

.....

.....

Relationship to your civil partner.....

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

CHILDREN OF THE FAMILY

Names and dates of birth	Addresses
.....
.....
.....
.....

If insufficient space is available to list all the children of the family, please continue on a separate sheet and attach to this form.

5. JURISDICTION

Please indicate with a tick (✓) in the appropriate box or boxes which of the following apply:

PART A

- (i) My civil partner and I are habitually resident in Scotland
- (ii) My civil partner and I were last habitually resident in Scotland, and one of us still resides there
- (iii) My civil partner is habitually resident in Scotland
- (iv) I am habitually resident in Scotland having resided there for at least a year immediately before this application was made
- (v) I am habitually resident in Scotland having resided there for at least six months immediately before this application was made and am domiciled in Scotland

If you have ticked one or more of the boxes in Part A, you should go direct to Part C. You should only complete Part B if you have not ticked any of the boxes in Part A

PART B

- (i) I am domiciled in Scotland

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

- (ii) My civil partner is domiciled in Scotland _____
- (iii) No court has, or is recognised as having, jurisdiction under regulations made under section 219 of the Civil Partnership Act 2004 _____

PART C

- (i) I have lived at the address shown above for at least 40 days immediately before the date I signed this application _____
- (ii) My civil partner has lived at the address shown above for at least 40 days immediately before the date I signed this application _____
- (iii) I lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and have no known residence in Scotland at that date _____
- (iv) My civil partner lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and has no known residence in Scotland at that date _____

6. DETAILS OF PRESENT CIVIL PARTNERSHIP

Place of Registration of Civil Partnership.....(Registration District)

Date of Registration of Civil Partnership. Day.....month.....year.....

7. DETAILS OF ISSUE OF INTERIM GENDER RECOGNITION CERTIFICATE

- (i) Please state whether the interim gender recognition certificate has been issued to you or your civil partner
- (ii) Please state the date the interim gender recognition certificate was issued
Day.....Month.....Year.....

8. MENTAL DISORDER

Is your civil partner suffering from any mental disorder (whether illness or handicap)? (If yes, give details) * [YES/NO]

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

9 CHILDREN

Are there any children of the family under the age of 16? * [YES/NO]

10 OTHER COURT ACTIONS

Are you aware of any court actions currently proceeding in any country (including Scotland) which may affect your civil partnership? * [YES/NO] (If yes, give details)

* Delete as appropriate

11. DECLARATION AND REQUEST FOR DISSOLUTION OF THE CIVIL PARTNERSHIP

I confirm that the facts stated in paragraphs 1-10 above apply to my civil partnership. I do NOT ask the sheriff to make any financial provision in connection with this application. I request the sheriff to grant decree of dissolution of my civil partnership

Date Signature of Applicant.....

PART 2

APPLICANT'S AFFIDAVIT

To be completed by the Applicant only after Part 1 has been signed and dated

I, (Insert Applicant's full name).....

residing at (insert Applicant's present home address).....

.....

.....

SWEAR that to the best of my knowledge and belief the facts stated in Part 1 of this Application are true.

Signature of Applicant.....

To be completed by Justice of the Peace, Notary Public or Commissioner for Oaths

SWORN at (insert place)

this day of 20

before me (insert full name),

(insert full address).....

.....

.....

Signature.....

*Justice of the Peace/ Notary Public/Commissioner for Oaths

* Delete as appropriate

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

Rule 33A.69(3)(a)

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

FORM CP32

Form of citation in application relying on facts in section 117(3)(c) of the Civil Partnership Act 2004

FORM CP32

Rule 33A.69(3)(a)

Form of citation in application relying on facts in section 117(3)(c) of the Civil Partnership Act 2004

(Insert name and address of non-applicant civil partner)

APPLICATION FOR DISSOLUTION OF A CIVIL PARTNERSHIP (CIVIL PARTNERS HAVING LIVED APART FOR AT LEAST TWO YEARS WITH THE CONSENT OF THE OTHER CIVIL PARTNER)

Your civil partner has applied to the sheriff for dissolution of your civil partnership on the ground that the civil partnership has broken down irretrievably because you and he or she have lived apart for a period of at least two years and you consent to decree of dissolution being granted.

A copy of the application is hereby served upon you.

1. Please note that the sheriff may not make financial provision under this procedure and that your civil partner is making no claim for—

- (a) the payment by you of a periodical allowance (i.e. a regular payment of money weekly or monthly, etc. for maintenance);
- (b) the payment by you of a capital sum (i.e. a lump sum payment).

2. Dissolution of your civil partnership may result in the loss to you of property rights (e.g. the right to succeed to the Applicant's estate on his or her death) or the right, where appropriate, to a pension.

3. If you wish to oppose the granting of a decree of dissolution of your civil partnership, you should put your reasons in writing and send your letter to the address shown below. Your letter must reach the sheriff clerk before *(insert date)*.

4. In the event of the decree of dissolution of your civil partnership being granted, you will be sent a copy of the extract decree. Should you change your address before receiving the copy extract decree, please notify the sheriff clerk immediately.

Signed

Sheriff clerk (depute)

(insert address and telephone number of the sheriff clerk)

[or Sheriff officer]

NOTE: If you wish to exercise your right to make a claim for financial provision you should immediately advise the sheriff clerk that you oppose the application for that reason, and thereafter consult a solicitor.

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

Rule 33A.69(3)(b)

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

FORM CP33

Form of citation in application relying on facts in section 117(3)(d) of the Civil Partnership Act 2004

FORM CP33

Rule 33A.69(3)(b)

Form of citation in application relying on facts in section 117(3)(d) of the Civil Partnership Act 2004

(Insert name and address of non applicant civil partner)

APPLICATION FOR DISSOLUTION OF A CIVIL PARTNERSHIP (CIVIL PARTNERS HAVING LIVED APART FOR AT LEAST FIVE YEARS)

Your civil partner has applied to the sheriff for dissolution of your civil partnership on the ground that the civil partnership has broken down irretrievably because you and he or she have lived apart for a period of at least five years.

A copy of the application is hereby served upon you

1. Please note:

- (a) that the sheriff may not make financial provision under this procedure and that your civil partner is making no claim for—
 - (i) the payment by you of a periodical allowance (i.e. a regular payment of money weekly or monthly, etc. for maintenance);
 - (ii) the payment by you of a capital sum (i.e. a lump sum payment),
- (b) that your civil partner states that you will not suffer grave financial hardship in the event of decree of dissolution of your civil partnership being granted.

2. Dissolution of your civil partnership may result in the loss to you of property rights (e.g. the right to succeed to the Applicant's estate on his or her death) or the right, where appropriate, to a pension

3. If you wish to oppose the granting of a decree of dissolution of your civil partnership, you should put your reasons in writing and send your letter to the address shown below. Your letter must reach the sheriff clerk before *(insert date)*.

4. In the event of the decree of dissolution of your civil partnership being granted, you will be sent a copy of the extract decree. Should you change your address before receiving the copy extract decree, please notify the sheriff clerk immediately.

Signed

Sheriff clerk (depute)

(insert address and telephone number of the sheriff clerk)

[or Sheriff officer]

NOTE: If you wish to exercise your right to make a claim for financial provision you should immediately advise the sheriff clerk that you oppose the application for that reason, and thereafter consult a solicitor.

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

Rule 33A.69(3)(c)

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

FORM CP34

Form of citation in application on grounds under section 117(2)(b) of the Civil Partnership Act 2004

FORM CP34

Rule 33A.69(3)(c)

Form of citation in application on grounds under section 117(2)(b) of the Civil Partnership Act 2004

(Insert name and address of non-applicant civil partner)

APPLICATION FOR DISSOLUTION OF A CIVIL PARTNERSHIP (INTERIM GENDER RECOGNITION CERTIFICATE ISSUED TO ONE OF THE CIVIL PARTNERS AFTER THE REGISTRATION OF THE CIVIL PARTNERSHIP)

Your civil partner has applied to the sheriff for dissolution of your civil partnership on the ground that an interim gender recognition certificate has been issued to you or your civil partner after your civil partnership was registered.

A copy of the application is hereby served upon you

1. Please note that the sheriff may not make financial provision under this procedure and that your civil partner is making no claim for—

- (a) the payment by you of a periodical allowance (i.e. a regular payment of money weekly or monthly, etc. for maintenance);
- (b) the payment by you of a capital sum (i.e. a lump sum payment).

2. Dissolution of your civil partnership may result in the loss to you of property rights (e.g. the right to succeed to the Applicant's estate on his or her death) or the right, where appropriate, to a pension.

3. If you wish to oppose the granting of a decree of dissolution of your civil partnership, you should put your reasons in writing and send your letter to the address shown below. Your letter must reach the sheriff clerk before *(insert date)*.

4. In the event of the decree of dissolution of your civil partnership being granted, you will be sent a copy of the extract decree. Should you change your address before receiving the copy extract decree, please notify the sheriff clerk immediately.

Signed

Sheriff clerk (depute)

(insert address and telephone number of the sheriff clerk)

[or Sheriff officer]

NOTE: If you wish to exercise your right to make a claim for financial provision you should immediately advise the sheriff clerk that you oppose the application for that reason, and thereafter consult a solicitor.

Rule 33A.70(1)(a)

FORM CP35

Form of intimation of simplified dissolution of a civil partnership application for display on the walls of court

FORM CP35

Rule 33A.70(1)(a)

Form of intimation of ~~simplified dissolution~~ of a civil partnership application for display on the walls of court

Court ref. no

An application for dissolution of a civil partnership has been made in this sheriff court by [A.B.], (*insert designation and address*), Applicant, naming [C.D.], (*insert designation and address*) as Respondent.

If [C.D.] wishes to oppose the granting of decree of dissolution of the civil partnership he [*or she*] should immediately contact the sheriff clerk from whom he [*or she*] may obtain a copy of the application.

Date (*insert date*)

Signed

Sheriff clerk (*depute*)

Rule 33A.70(2)

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

FORM CP36

Form of intimation to children of the family and next-of-kin in a simplified dissolution of a civil partnership application

FORM CP36

Rule 33A.70(2)

Form of intimation to children of the family and next-of-kin in a simplified dissolution of a civil partnership application

Court ref. no.

To *(insert name and address)*

You are hereby given NOTICE that an application for dissolution of a civil partnership has been made against *(insert name of respondent)* your *(insert relationship e.g. father, mother, brother or other relative as the case may be)*. A copy of this application is attached.

If you know of his or her present address, you are requested to inform the sheriff clerk *(insert address of sheriff clerk)* in writing immediately. You may also, if you wish, oppose the granting of the decree of dissolution by sending a letter to the court giving your reasons for your opposition to the application. Your letter must be sent to the sheriff clerk within 21 days of *(insert date on which intimation was given. N.B. Rule 5.3(2) relating to postal service or intimation)*.

Date *(insert date)*

Signed

Sheriff clerk (depute)

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

Rule 33A.73(2)

FORM CP37

Form of extract decree of dissolution of a civil partnership in an application for a simplified dissolution of a civil partnership

FORM CP37

Rule 33A.73(2)

Form of extract decree of dissolution of a civil partnership in an application for a simplified dissolution of a civil partnership

At *(insert place and date)*

in an action in the Sheriff Court of the Sheriffdom of *(insert name of sheriffdom)* at *(insert place of sheriff court)*

at the instance of *(insert full name of applicant)*, Applicant.

against *(insert full name of respondent)*, Respondent,

whose civil partnership was registered at *(insert place)* on *(insert date)*,

the sheriff pronounced decree dissolving the civil partnership of the Applicant and the Respondent.

Extracted at *(insert place and date)*

by me, sheriff clerk of the Sheriffdom of *(insert name of sheriffdom)*,

Signed

Sheriff clerk (depute)