

SCHEDULE

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

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

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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)