
EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends Chapters 33 and 33A of the Ordinary Cause Rules in relation to family actions and civil partnership actions in consequence of the provisions of the Family Law (Scotland) Act 2006. In particular, provision is made to extend the application of the rules to actions of declarator of marriage and declarator of nullity of marriage which may now be brought in the sheriff court. Consequential amendments are also made in respect of the reduction in the separation periods for divorce. A new Chapter 33B is inserted into the rules to make provision for applications under sections 28 and 29 of the Family Law (Scotland) Act 2006 in relation to orders for financial provision where cohabitation ends otherwise than by death and on intestacy. Additionally, various minor amendments are made to Chapters 33 and 33A.

Consequential and miscellaneous amendments are also made to the forms set out in the Schedule to the rules.