
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 the Summary Application Rules

7.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999⁽¹⁾ is amended in accordance with the following subparagraphs.

(2) In Chapter 3, after Part XLIII (Proceeds of Crime Act 2002 (External Investigations) Order 2013) insert—

“PART XLIV

Gender Recognition Act 2004

3.44.1. In this Part,—

“the 2004 Act” means the Gender Recognition Act 2004;

“full gender recognition certificate” and “interim gender recognition certificate” have the meanings assigned by section 25 of the 2004 Act;

“Gender Recognition Panels” is to be construed in accordance with Schedule 1 to the 2004 Act.

3.44.2.—(1) This rule applies where a party to a protected Scottish marriage who has been issued with an interim gender recognition certificate makes an application to the sheriff under section 4E of the 2004 Act for the issue of a full gender recognition certificate.

(2) The sheriff shall make an order for intimation of the application on the applicant’s spouse, but no such order may be made unless there has been produced with the initial writ—

(a) an extract of the relevant entry in the register of marriages; and

(b) the interim gender recognition certificate or, failing that, a certified copy of the interim gender recognition certificate.

(3) For the purpose of this rule, a certified copy of an interim gender recognition certificate shall be a copy of that certificate sealed with the seal of the Gender Recognition Panels and certified to be a true copy by an officer authorised by the President of the Gender Recognition Panels.

(4) On the granting of the application the sheriff clerk shall give the applicant’s spouse a certified copy of the full gender recognition certificate.

3.44.3. When a full gender recognition certificate has been issued on an application under section 4E of the 2004 Act, an application for a corrected gender recognition certificate under

⁽¹⁾ S.I. 1999/929, last amended by S.S.I. 2013/293.

section 6 of the 2004 Act (Errors in certificates) shall be made by minute in the process in the application pursuant to which the full gender recognition certificate was issued.”.

(3) In Schedule 1, in paragraph 2 of Form 11E (Form of application to court by entitled resident)—

(a) for subparagraph (d) substitute—

“(d) he or she is a person living together with the debtor or the proprietor as if they were married to each other;”;

(b) omit subparagraph (e);

(c) re-number existing subparagraph (f) as subparagraph (e); and

(d) in paragraph (e), as re-numbered, delete “or (e)”.

(4) In Schedule 1, in Form 11F (Form of minute for recall of decree)—

(a) for paragraph (d) substitute—

“(d) I am a person living with the debtor or the proprietor as if we were married to each other;”;

(b) omit paragraph (e);

(c) re-number existing paragraph (f) as paragraph (e); and

(d) in paragraph (e), as re-numbered, delete “or (e)”.