
EXPLANATORY NOTE

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

This Act of Sederunt amends the rules of procedure in the sheriff court to make provision in consequence of the Civil Partnership Act 2004 (“the 2004 Act”).

Paragraph 2(2) inserts a new Chapter 33A into the ordinary cause rules set out in Schedule 1 to the Sheriff Courts (Scotland) Act 1907 in relation to civil partnership actions.

Part 1 of new Chapter 33A (new rules 33A.1 to 33A.28) makes general provision relating to civil partnership actions. In particular it makes provision in relation to the meaning of terms used in the new Chapter 33A (rule 33A.1), the averments that must be made in civil partnership actions in particular circumstances (rules 33A.2 to 33A.6), citation, service and intimation in civil partnership actions (rules 33A.7 to 33A.15), the appointment of curators *ad litem* to mentally disordered offenders (rule 33A.16), notices of consent to dissolution of a civil partnership or separation of civil partners (rule 33A.18), and matters concerning children in civil partnership actions, including provision about recording the views of a child and Child Welfare Hearings (rules 33A.19 to 33A.26).

Part II of new Chapter 33A (rules 33A.29 to 33A.33) makes provision in relation to the procedure in undefended civil partnership actions.

Part III of new Chapter 33A (rules 33A.34 to 33A.37) sets out the procedure for defended civil partnership actions including the procedure relating to defences, abandonment, options hearings and decree by default.

Part IV of new Chapter 33A (rules 33A.38 to 33A.43) provides for the procedure applicable to certain applications and orders relating to children in actions for dissolution of civil partnership or separation of civil partners.

Part V of new Chapter 33A (rules 33A.44 to 33A.49) makes provision in relation to applications for orders relating to financial provision in civil partnership actions.

Part VI of new Chapter 33A (rule 33A.50) provides for the form of application for an order under section 18 of the Family Law (Scotland) Act 1985 relating to avoidance transactions.

Part VII of new Chapter 33A (rules 33A.51 and 33A.52) provides for the procedure relating to applications for an order relating to financial provision after overseas proceedings.

Part VIII of new Chapter 33A (rules 33A.53) provides that a crave for aliment in a civil partnership action must be made in the initial writ or defences.

Part IX of new Chapter 33A (rules 33A.54 to 33A.57) makes provision in relation to applications for orders under section 11 of the Children (Scotland) Act 1995 in civil partnership actions other than actions for dissolution of a civil partnership or separation of civil partners.

Part X of new Chapter 33A (rules 33A.58 to 33A.65) provides for the procedure in relation to actions relating to occupancy rights or tenancies under Chapter 3 or 4 of Part 3 of the Civil Partnership Act 2004.

Part XI of new Chapter 33A (rules 33A.66 to 33A.75) provides for the procedure for applications for simplified dissolution of civil partnerships.

Part XII of new Chapter 33A (rules 33A.76 to 33A.78) makes provision in relation to referrals by the sheriff to the Principal Reporter under section 54 of the Children (Scotland) Act 1995.

Part XIII of new Chapter 33A (rules 33A.79 to 33A.84) provides for the sisting of actions for dissolution of civil partnership or separation of civil partners