
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 Chapter 49 of the Rules of the Court of Session

2.—(1) Chapter 49 of the Rules of the Court of Session is amended in accordance with the following subparagraphs.

(2) In rule 49.1 (Interpretation of this Chapter)—

(a) at the end of paragraph (1) insert—

“(s) an action for declarator of recognition, or non-recognition, of a relevant foreign decree within the meaning of paragraph 1 of Schedule 1B to the Domicile and Matrimonial Proceedings Act 1973, or of a judgment to which paragraph 2(1)(b) of that Schedule refers.”;

(b) in paragraph (2), before the definition of “local authority”, insert—

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

(3) After rule 49.6 (Averments where aliment sought for a child), insert—

“Averments where divorce sought on ground of issue of interim gender recognition certificate

49.6A.—(1) This rule applies to an action of divorce in which divorce is sought on the ground that an interim gender recognition certificate has been issued to either party.

(2) In an action to which this rule applies, the pursuer shall state in the condescence of the summons—

(a) where the pursuer is the party to whom the interim gender recognition certificate was issued, whether or not the Gender Recognition Panel has issued a full gender recognition certificate to the pursuer, and

(b) where the defender is the party to whom the interim gender recognition certificate was issued, whether—

(i) since the issue of the interim gender recognition certificate, the pursuer has made a statutory declaration consenting to the marriage continuing, and

(ii) the Gender Recognition Panel has given the pursuer notice of the issue of a full gender recognition certificate to the defender.”.

(4) At the end of rule 49.28(1)(a) insert—

“(vii) for declarator of recognition, or non-recognition, of a relevant foreign decree within the meaning of paragraph 1 of Schedule 1B to the Domicile and Matrimonial Proceedings Act 1973, or of a judgment to which paragraph 2(1)(b) of that Schedule refers.”.

(5) In rule 49.91(1)—

Status: This is the original version (as it was originally made).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

- (a) before “a decree”, insert “(a)”; and
- (b) at the end insert—
 - “(b) a decree of divorce, nullity or separation in respect of a same sex marriage when granted in a member state of the European Union.”.