
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 Appendix to the Rules of the Court of Session

4.—(1) The Rules of the Court of Session are amended in accordance with the following subparagraphs.

(2) In Form 13.2-B (Principal forms of conclusion), omit paragraph (16).

(3) In Form 49.14-A (Form of notice to defender where it is stated that he consents to decree of divorce)—

- (a) in paragraphs 1 and 2, for “husband [*or* wife]” substitute “spouse”;
- (b) in paragraph 2(a), for “wife’s [*or* husband’s]” substitute “spouse’s”;
- (c) in paragraph 2(b), omit “(the State widow’s pension will not be payable to you when your husband dies)” and substitute “or widower”.

(4) In Form 49.14-C (Form of notice to defender where it is stated that he consents to decree of separation)—

- (a) in paragraphs 1, 2 and 3, for “husband [*or* wife]” substitute “spouse”;
- (b) in paragraph 2, for “husband” wherever it appears substitute “spouse”.

(5) In Form 49.14-E (Form of notice to defender in action of divorce where it is stated there has been two years non-cohabitation)—

- (a) in paragraph 2(a), for “wife’s [*or* husband’s]” substitute “spouse’s”;
- (b) in paragraph 2(b), omit “(the State widow’s pension will not be payable to you when your husband dies)” and substitute “or widower”.

(6) In Form 49.14-F (Form of notice to defender in an action of separation where it is stated there has been two years non-cohabitation)—

- (a) in paragraphs 2(a) and 3(b), for “husband [*or* wife]” substitute “spouse”;
- (b) in paragraph 2(b), for “husband” substitute “spouse”.

(7) In Form 49.14-G (Form of notice to defender in action of divorce where an interim gender recognition certificate has been issued)—

(a) for paragraph 1 substitute—

“1. The summons states that an interim gender recognition certificate has been issued to you [*or* the pursuer]. If the pursuer establishes this as a matter of fact, and that the Gender Recognition Panel has not issued a full gender recognition certificate, the pursuer will obtain a decree of divorce.

”

(b) in paragraph 2(a), for “wife’s [*or* husband’s]” substitute “spouse’s”.

(8) In Form 49.73-A—

- (a) in the heading, for “husband and wife” substitute “spouses”;
 - (b) for “husband/wife” where it appears, substitute “spouse”;
 - (c) in Part 1, in the Notes on Sections 1 and 2, paragraph (ii) is omitted and paragraph (iii) is renumbered as paragraph (ii);
 - (d) in Part 1, in the Notes on Section 4, for “husband’s and wife’s” substitute “spouses”.
- (9) In Form 49.73-B—
- (a) in the heading, for “husband and wife” substitute “spouses”;
 - (b) for “husband/wife” where it appears, substitute “spouse”;
 - (c) in Part 1, in the Notes on Sections 1 and 2, paragraph (ii) is omitted and paragraph (iii) is renumbered as paragraph (ii);
 - (d) in Part 1, in the Notes on Section 4, for “husband’s and wife’s” substitute “spouses”.
- (10) In Form 49.73-C, in Part 1—
- (a) for “husband/wife” wherever it appears, substitute “spouse”;
 - (b) in the Notes on Sections 1 and 2, paragraph (ii) is omitted and paragraph (iii) is renumbered as paragraph (ii);
 - (c) in the Notes on Section 4, for “husband’s and wife’s” substitute “spouses”.
 - (d) in section 7, after paragraph (ii), insert—

Please answer the following question only if the interim gender recognition certificate was issued to you—

- (iii) Has the Gender Recognition Panel issued you with a full gender recognition certificate? YES NO

Please answer the following question only if the interim gender recognition certificate was issued to your spouse—

- (iv) Since the date referred to in question (ii), have you made a statutory declaration consenting to the marriage continuing? YES NO

”

- (11) In Form 49.76-A (Form of citation in simplified divorce application under section 1(2)(d) of the Divorce (Scotland) Act 1976)—
- (a) in the heading, for “husband and wife” substitute “spouses”;
 - (b) for “husband [*or* wife]” substitute “spouse”.
- (12) In Form 49.76-B (Form of citation in simplified divorce application under section 1(2)(e) of the Divorce (Scotland) Act 1976)—
- (a) in the heading, for “husband and wife” substitute “spouses”;
 - (b) for “husband [*or* wife]” wherever it appears substitute “spouse”.
- (13) In form 49.76-BA (Form of citation in simplified divorce application under section 1(1)(b) of the Divorce (Scotland) Act 1976), throughout the form for “husband/wife” and for “husband [*or* wife]” substitute “spouse”.
- (14) In Form 49.76-C (Form of intimation to child or next-of-kin in simplified divorce application under section 1(2)(e) or (1)(b) of the Divorce (Scotland) Act 1976), in the heading, for “husband and wife” substitute “spouses”.

(15) In Form 67.8-A (Application for an adoption order under section 29 or 30 of the Adoption and Children (Scotland) Act 2007), in statement of fact B5 for “husband and wife/civil partners” substitute “married to each other”.

(16) In Form 67.8-B (Application for an order under section 59(1) of the Adoption and Children (Scotland) Act 2007), in statement of fact B5 for “husband and wife/civil partners” substitute “married to each other”.

(17) In Form 67.25 (Application for a Convention adoption order under regulation 53 of the Adoption with Foreign Element (Scotland) Regulations 2009), in statement of fact B5 for “husband and wife/civil partners” substitute “married to each other”.

(18) In Form 97.3 (Form of petition for parental order under section 54 of the Human Fertilisation and Embryology Act 2008), in statement of fact 1 for “husband and wife” substitute “spouses”.