
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 75

Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (Miscellaneous) 2021

Amendment of the Ordinary Cause Rules 1993

3.—(1) The Ordinary Cause Rules 1993(1) are amended in accordance with this paragraph.

(2) In rule 33.2(2)(b)(v) (averments in certain family actions about other proceedings)(2) omit “or Council Regulation (E.C.) No. 2201/2003 of 27th November 2003 concerning the jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility(3)”.

(3) For rule 33.96(1) (action of declarator in relation to certain foreign decrees)(4), substitute—

“(1) This rule applies to an action for declarator of recognition, or non-recognition, of a decree of divorce, nullity or separation granted outwith the United Kingdom, the Channel Islands or the Isle of Man.”.

(4) In Appendix 1 (forms)—

(a) in Form F31 (form of simplified divorce application under section 1(2)(d) of the Divorce (Scotland) Act 1976)(5), in Part 1, for paragraph 3 (jurisdiction), substitute—

(1) The Ordinary Cause Rules are in schedule 1 of the Sheriff Courts (Scotland) Act 1907 (c.51). Schedule 1 was substituted by S.I. 1993/1956 and last amended by S.I. 2020/942.
(2) Rule 33.2(2)(b)(v) was relevantly amended by S.S.I. 2006/207.
(3) O.J. No. L 38, 23.12.2003, p.1.
(4) Rule 33.96(1) was inserted by S.S.I. 2010/416 and amended by S.S.I. 2014/302.
(5) Form F31 was last amended by S.S.I. 2017/132.

“

3. JURISDICTION

Please indicate with a tick in the appropriate box or boxes which of the following apply:

Please complete both Part A and Part B

PART A

- (i) I am domiciled in Scotland on the date I signed this application
- (ii) My spouse is domiciled in Scotland on the date I signed this application
- (iii) I was habitually resident in Scotland throughout the period of one year ending with the date I signed this application
- (iv) My spouse was habitually resident in Scotland throughout the period of one year ending with the date I signed this application

PART B

- (i) I have lived at the address shown above for at least 40 days immediately before the date I signed this application
- (ii) My spouse has lived at the address shown above for at least 40 days immediately before the date I signed this application
- (iii) I lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and have no known residence in Scotland at that date
- (iv) My spouse lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and has no known residence in Scotland at that date

”

(b) in Form F33 (form of simplified divorce application under section 1(2)(e) of the Divorce (Scotland) Act 1976)(6)—

- (i) in the directions for making application, in direction 3(i), for “General Register Office” substitute “National Records of Scotland”;
- (ii) in Part 1, for paragraph 5 (jurisdiction), substitute—

(6) Form F33 was last amended by [S.S.I. 2017/132](#).

“

5. JURISDICTION

Please indicate with a tick in the appropriate box or boxes which of the following apply:

Please complete both Part A and Part B

PART A

- (i) I am domiciled in Scotland on the date I signed this application
- (ii) My spouse is domiciled in Scotland on the date I signed this application
- (iii) I was habitually resident in Scotland throughout the period of one year ending with the date I signed this application
- (iv) My spouse was habitually resident in Scotland throughout the period of one year ending with the date I signed this application

PART B

- (i) I have lived at the address shown above for at least 40 days immediately before the date I signed this application
- (ii) My spouse has lived at the address shown above for at least 40 days immediately before the date I signed this application
- (iii) I lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and have no known residence in Scotland at that date
- (iv) My spouse lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and has no known residence in Scotland at that date

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(c) in Form F33A (form of simplified divorce application under section 1(1)(b) of the Divorce (Scotland) Act 1976)(7)—

- (i) in the directions for making application, in direction 3(i), for “General Register Office” substitute “National Records of Scotland”;
- (ii) in Part 1, for paragraph 5 (jurisdiction), substitute—

5. JURISDICTION

Please indicate with a tick in the appropriate box or boxes which of the following apply:

Please complete both Part A and Part B

PART A

- (i) I am domiciled in Scotland on the date I signed this application
- (ii) My spouse is domiciled in Scotland on the date I signed this application
- (iii) I was habitually resident in Scotland throughout the period of one year ending with the date I signed this application
- (iv) My spouse was habitually resident in Scotland throughout the period of one year ending with the date I signed this application

PART B

- (i) I have lived at the address shown above for at least 40 days immediately before the date I signed this application
- (ii) My spouse has lived at the address shown above for at least 40 days immediately before the date I signed this application
- (iii) I lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and have no known residence in Scotland at that date
- (iv) My spouse lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and has no known residence in Scotland at that date

- (d) in Form CP29 (form of simplified dissolution of civil partnership application under section 117(3)(c) of the Civil Partnership Act 2004)(8), in Part 1, for paragraph 3 (jurisdiction), substitute—

3. JURISDICTION

Please indicate with a tick in the appropriate box or boxes which of the following apply:

Please complete both Part A and Part B

PART A

- (i) I am domiciled in Scotland on the date I signed this application
- (ii) My civil partner is domiciled in Scotland on the date I signed this application
- (iii) I was habitually resident in Scotland throughout the period of one year ending with the date I signed this application
- (iv) My civil partner was habitually resident in Scotland throughout the period of one year ending with the date I signed this application

PART B

- (i) I have lived at the address shown above for at least 40 days immediately before the date I signed this application
- (ii) My civil partner has lived at the address shown above for at least 40 days immediately before the date I signed this application
- (iii) I lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and have no known residence in Scotland at that date
- (iv) My civil partner lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and has no known residence in Scotland at that date

- (e) in Form CP30 (form of simplified dissolution of civil partnership application under section 117(3)(d) of the Civil Partnership Act 2004)⁽⁹⁾—
- (i) in the directions for making application, in direction 3(i), for “General Register Office” substitute “National Records of Scotland”;
 - (ii) in Part 1, for paragraph 5 (jurisdiction), substitute—

5. JURISDICTION

Please indicate with a tick in the appropriate box or boxes which of the following apply:

Please complete both Part A and Part B

PART A

- (i) I am domiciled in Scotland on the date I signed this application
- (ii) My civil partner is domiciled in Scotland on the date I signed this application

⁽⁹⁾ Form CP30 was inserted by [S.S.I. 2005/638](#) and last amended by [S.S.I. 2017/132](#).

- (iii) I was habitually resident in Scotland throughout the period of one year ending with the date I signed this application
- (iv) My civil partner was habitually resident in Scotland throughout the period of one year ending with the date I signed this application

PART B

- (i) I have lived at the address shown above for at least 40 days immediately before the date I signed this application
 - (ii) My civil partner has lived at the address shown above for at least 40 days immediately before the date I signed this application
 - (iii) I lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and have no known residence in Scotland at that date
 - (iv) My civil partner lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and has no known residence in Scotland at that date
- (f) in Form CP31 (form of simplified dissolution of a civil partnership application on grounds under section 117(2)(b) of the Civil Partnership Act 2004)(10)—
- (i) in the directions for making application, in direction 3(i), for “General Register Office” substitute “National Records of Scotland”;
 - (ii) in Part 1, for paragraph 5 (jurisdiction), substitute—

5. JURISDICTION

Please indicate with a tick in the appropriate box or boxes which of the following apply:

Please complete both Part A and Part B

PART A

- (i) I am domiciled in Scotland on the date I signed this application
- (ii) My civil partner is domiciled in Scotland on the date I signed this application
- (iii) I was habitually resident in Scotland throughout the period of one year ending with the date I signed this application
- (iv) My civil partner was habitually resident in Scotland throughout the period of one year ending with the date I signed this application

PART B

- (i) I have lived at the address shown above for at least 40 days immediately before the date I signed this application
- (ii) My civil partner has lived at the address shown above for at least 40 days immediately before the date I signed this application
- (iii) I lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and have no known residence in Scotland at that date
- (iv) My civil partner lived at the address shown above for a period of at least 40 days ending not more than 40 days before the date I signed this application and has no known residence in Scotland at that date

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