

SCHEDULE 2

THE RULES OF THE COURT OF SESSION 1994

Special provisions in relation to particular proceedings

CHAPTER 49

FAMILY ACTIONS

PART VII FINANCIAL PROVISION AFTER OVERSEAS DIVORCE OR ANNULMENT

Applications for financial provision after overseas divorce or annulment

49.53.—(1) An application under section 28 of the Act of 1984⁽¹⁾ for an order for financial provision after a divorce or annulment in an overseas country shall be made by summons.

(2) An application for an order in an action to which paragraph (1) applies—

(a) made before or after final decree under—

- (i) section 13 of the Act of 1981⁽²⁾ (transfer of tenancy of matrimonial home),
- (ii) section 29(4) of the Act of 1984 for interim periodical allowance, or
- (iii) section 14(4) of the Act of 1985 (variation or recall of an incidental order), or

(b) made after final decree under—

- (i) section 12(4) of the Act of 1985 (variation of date or method of payment of capital sum or date of transfer of property),
- (ii) section 13(4) of the Act of 1985 (variation, recall, backdating or conversion of periodical allowance), or
- (iii) section 14(4) of the Act of 1985 (variation or recall of incidental order),

shall be made by motion.

(3) Rule 49.43 (applications after decree relating to aliment) shall apply to a motion under this rule as it applies to a motion under that rule.

(1) Section 28 was extended by section 29A (inserted by the Act of 1985, Schedule 1, paragraph 12) to an annulment.

(2) 1981 c. 51; section 13(2) was amended by the Act of 1985, Schedule 1, paragraph 11.