

# CONSULTATION

# SIMPLIFIED DIVORCE AND DISSOLUTION IN SCOTLAND

The Scottish Government  
[Insert month and year]

## Responding to the Consultation

### Closing date

The Government welcomes responses to this consultation document by **5pm** on **[insert date]**.

### How to respond

Responses can either be sent through the Scottish Government's Citizen Space consultation platform or can be sent hard copy (by sending a paper copy through the post). More details on replying through Citizen Space are outlined below.

All responses must either be through Citizen Space or by hard copy. Responses by email will not be accepted.

#### *Replying through Citizen Space*

You can respond to this consultation on-line through Citizen Space. Details are available in the Consultation Hub on the consultation section of the Scottish Government's website: <https://consult.scotland.gov.uk/>

Citizen Space contains some mandatory fields asking for details of the person or body responding to the consultation and whether the person or body is happy for their response to be published.

#### *Replying by hard copy*

Hard copy responses must include a completed Respondent Information Form – see Annex F. This asks for details of the person or body responding to the consultation and whether the person or body is happy for their response to be published. Please send hard copy responses to:

The Family and Property Law Team  
Room GW.15  
The Scottish Government  
St Andrew's House  
Regent Road  
EDINBURGH  
EH1 3DG

#### *No obligation to respond to all questions*

We welcome responses to some or all of the questions.

### Scottish Government consultations

This consultation can be viewed online on the consultation web pages of the Scottish Government website at <http://www.gov.scot/Consultations/>.

The Scottish Government has an email alert system for consultations called SEconsult: <http://www.gov.scot/Consultations/seConsult>. This system allows individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult is designed to allow stakeholders to keep up to date with all Scottish Government consultation activity, and therefore be alerted at the earliest opportunity to those of most interest.

### Handling your response

Where you give permission for your response to be made public, we may publish it. We will not publish any potentially defamatory or offensive material.

The Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

The Government will publish an analysis of the consultation responses.

### Comments, queries and complaints

If you have any comments, queries or complaints about how this consultation exercise has been conducted, please send them to:

Family and Property Law Team  
Scottish Government  
GW.15  
St Andrew's House  
Edinburgh  
EH1 3DG

Or e-mail: **XXXX** Telephone: 0131 244 3322

**GLOSSARY OF TERMS USED IN THIS CONSULTATION**

“BRIA” is the Business and Regulatory Impact Assessment.

“CRWIA” is the Child Rights and Wellbeing Impact Assessment.

“dissolution” refers to ending a civil partnership. It is to civil partnership what divorce is to marriage.

“EQIA” is the Equality Impact Assessment.

“GRC” is the Gender Recognition Certificate issued under the Gender Recognition Act 2004. A full GRC provides legal recognition in a person’s acquired gender. An interim GRC can be used, in certain circumstances, to obtain a divorce or a dissolution.

“GRP” is the Gender Recognition Panel, which determines applications for gender recognition.

“the SCJC” is the Scottish Civil Justice Council.

“the 1976 Act” is the Divorce (Scotland) Act 1976.

“the 1988 Act” is the Civil Evidence (Scotland) Act 1988.

“the 1995 Act” is the Children (Scotland) Act 1995.

“the 2004 Act” is the Civil Partnership Act 2004.

“the 2014 Act” is the Marriage and Civil Partnership (Scotland) Act 2014.

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## CONSULTATION ON EXTENDING SIMPLIFIED DIVORCE AND DISSOLUTION

### Summary of proposal

1. This consultation paper
  - proposes the extension of simplified divorce and dissolution to cases where there are children of the marriage or civil partnership under 16 and there is no dispute about their upbringing;
  - seeks views on a proposed Scottish Statutory Instrument to disapply the need for third party evidence in these cases.
2. This consultation just relates to proposed changes in procedures. It does not propose any changes to the grounds for divorce or dissolution.

### Divorce and dissolution in Scotland

3. Under the Divorce (Scotland) Act 1976 (“the 1976 Act”), there are two grounds for divorce in Scotland:
  - 3.1 The irretrievable breakdown of the marriage.
  - 3.2 The issue of an interim GRC to either party to the marriage.
4. There are four ways through which the irretrievable breakdown of the marriage can be established:
  - 4.1 Adultery. (Adultery is intercourse with someone of the opposite sex outwith the marriage).
  - 4.2 Unreasonable behaviour.
  - 4.3 The parties have not lived together for one year and both parties consent to the divorce.
  - 4.4 The parties have not lived together for two years.
5. Under the Civil Partnership Act 2004 (“the 2004 Act”), dissolution of a civil partnership can be achieved on the same basis, except that adultery is not a way of establishing that a civil partnership has broken down irretrievably.

### Simplified divorce and dissolution

6. Simplified divorce and dissolution (sometimes known as “do-it-yourself divorce and dissolution”) is a straightforward way of ending a marriage or civil partnership. Simplified divorce/dissolution applications proceed on the basis of a form completed by the parties. The applicant has to swear, before a notary public or justice of the peace, that the contents of the form are true. It is then sent to the

court. If the form has been correctly completed, it is considered by a sheriff or judge. Simplified divorce and dissolution are only available:

- 6.1 When the basis is one year separation with consent or two years separation without consent, or because of the issue of an interim GRC;
  - 6.2 There are no children of the marriage/partnership under the age of 16;
  - 6.3 There are no financial matters to sort out;
  - 6.4 There is no evidence of either party being unable to manage his or her affairs because of mental illness, personality disorder or learning disability;
  - 6.5 There are no other court proceedings under way which might result in the end of the marriage or civil partnership.
7. Around 60% of divorces and dissolutions are obtained through the simplified procedure<sup>1</sup>.

#### Proposed change

8. The Scottish Government is proposing that simplified divorce and dissolution should also be available where there are children under 16 and no dispute about their upbringing. The Scottish Government considers that there are a number of reasons for making this change:

- 8.1 Extending simplified divorce and dissolution in this way would mean that couples in this situation could divorce or dissolve on the basis of forms.
- 8.2 As outlined in more detail in the Business and Regulatory Impact Assessment (BRIA), the Scottish Legal Aid Board estimates that extending the simplified procedure could produce savings for the Board of around £600,000 a year, not including further savings in respect of Advice and Assistance. [Against that, the Scottish Courts and Tribunals Service estimate that there will be costs to them, through lost fee income, of around £200,000 a year. There will also be one-off IT costs for the SCTS, which will be a minimum of £80,000, and the Scottish Government will need to work with the SCTS to update guidance for applicants].
- 8.3 There would also be savings for couples seeking divorce or dissolution who have agreed all matters including upbringing arrangements and who do not qualify for legal aid. Savings here will depend on legal fees charged but could perhaps amount to around £1,000 per case.
- 8.4 The Government is not proposing to remove section 12 of the Children (Scotland) Act 1995. Section 12(1) requires the court in divorce and dissolution actions to consider, in the light of such information as is before the court as to the

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<sup>1</sup> Statistics on divorce and dissolution are at <http://www.gov.scot/Resource/0051/00515566.xlsx> (table 2 for divorces and table 3 for dissolutions). Statistics on divorces and dissolutions by procedure are at <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/Datasets/DatasetsCJS/CJDow16> (table 9 for divorces and table 10 for dissolutions).

arrangements which have been, or are proposed to be, made for the upbringing of any children, whether to exercise powers under section 11 of the 1995 Act (court orders relating to parental responsibilities etc.) or under section 62 of the Children's Hearings (Scotland) Act 2011 (on references to the Principal Reporter). A copy of section 12 as it currently stands is at **Annex B**.

9. Keeping section 12 ensures that, where appropriate, the court can continue to review the proposed arrangements for bringing up the children and, where appropriate, can make orders in relation to them.

Question 1. Should simplified divorce and dissolution be extended to cover cases where there are children under 16 and no dispute about the upbringing of the children? Yes/no. Please give reasons for your answer.

#### Details of how the change would be achieved

10. To achieve the proposed change:

10.1 Rules of court and court forms would need to be amended.

10.2 Guidance on the Scottish Courts and Tribunals Service website would need to be amended.

10.3 The Scottish Ministers would need to make an Order, dis-applying the need for third party evidence in divorce and dissolution cases where there are children under 16 and no dispute about their upbringing.

11. The Scottish Government does not make rules of court. These are made by the Lord President of the Court of Session, following advice from the Scottish Civil Justice Council (SCJC). However, the Scottish Government sent a policy paper to the Family Law Committee of the SCJC on potential changes to rules, forms and guidance. This has been discussed at the Family Law Committee and at the SCJC and the SCJC is consulting separately on potential changes to rules of court.

12. As indicated above, the Scottish Government proposes to make an Order dis-applying the need for third party evidence in divorce and dissolution cases where there are children under 16 and no dispute about their upbringing.

13. Under section 8 of the Civil Evidence (Scotland) Act 1988 ("the 1988 Act"), a court is required to receive evidence from a third party before it grants a divorce or dissolution, except in types of cases covered by an Order made under section 8(4). The power to make Orders under section 8(4) was originally exercisable by the Lord Advocate, but transferred to the Scottish Ministers at devolution in 1999. In 1989, the Lord Advocate made an Order under section 8(4)<sup>2</sup>. That Order removed the requirement for a sheriff or judge to see evidence from a third party before granting a divorce when certain conditions were satisfied.

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<sup>2</sup> Evidence in Divorce Actions (Scotland) Order (S.I. 1989/582)

14. In 2012, the Scottish Ministers made an Order which removed the requirement for a sheriff or the Court of Session to see evidence from a third party before granting dissolution when the same conditions were satisfied<sup>3</sup>. Section 27 of the Marriage and Civil Partnership (Scotland) Act 2014 (“the 2014 Act”) makes provision in relation to this Order. Under section 27 of the 2014 Act, the Order is to be taken to have been in force since 5 December 2005 (when civil partnerships were introduced) and to have had effect in relation to actions raised before 30 March 2012 (when the Order came into force) as it has effect in relation to actions raised on or after that date.

15. The two Orders allow for the existence of the simplified divorce and dissolution procedures as they currently exist in non-cohabitation cases. As well as in non-cohabitation cases, simplified divorce and dissolution is available on the basis of an interim GRC. However, in these cases the interim GRC, or a certified copy, has to be supplied.

16. Article 2(1)(d) of the 1989 Order provides that third party evidence must still be supplied where there are children of the marriage under 16. Similarly, article 2(1)(d) of the 2012 Order provides that third party evidence must still be supplied where there are children of the family under the age of 16.

17. The Scottish Government proposes to make a further Order which would end the need for this evidence. The effect would be that third party evidence would no longer be needed in undefended divorce or dissolution cases where there are children under 16 where:

- the parties have agreed on the upbringing of the children.
- the basis of the action is non-cohabitation – either one year with consent of the other spouse, or two years without such consent.
- there are no other relevant court proceedings.
- no court order is being sought on financial provision.
- neither party suffers from mental disorder.

18. A draft of an Order which would do this is attached at Annex C. **[DRAFTING NOTE: ORDER STILL TO BE DRAFTED]**

19 Under the draft order, the simplified procedure could be used when the spouses or civil partners have agreed the arrangements which have been, or are proposed to be, made for the upbringing of each child under 16.

Question 2. Do you have any comments on the proposed Order to disapply the need for third party evidence in divorce and dissolution cases where there are children under the age of 16 and the parties have agreed on the upbringing of the children? Yes/no. If yes, please outline your comments.

<sup>3</sup> Evidence in Civil Partnership and Divorce Actions (Scotland) Order (S.S.I. 2012/111)

### Safeguarding and promoting the child's welfare

20. The welfare of the child is of paramount importance in relation to this proposed extension of simplified divorce and dissolution.

21. The proposed Rules of Court contain provisions to safeguard and promote the welfare of the child. These are outlined in detail in the separate consultation being carried out by the SCJC on rules of court.

Question 3. Do you consider the steps being taken to protect the interests of the child are sufficient? Yes/no. If no, please outline what you think should be done in this area.

### Gender recognition

22. It has to date been possible to obtain divorce or dissolution on the ground of an issue of an interim GRC through the simplified procedure. Statistics on divorces/dissolutions on the ground of the issue of an interim GRC by procedure are at **Annex D**.

23. Section 31 of the 2014 Act changed the grounds of divorce in relation to the issue of an interim GRC. As a result of section 31, this ground does not apply when the Gender Recognition Panel (GRP) has issued an interim GRC and goes on to issue a full GRC. Of course, the ground of irretrievable breakdown of the marriage remains available to the couple in the same way as it is available to any other couple.

24. As indicated above, under section 8 of the 1988 Act evidence from a third party must be provided when a divorce or dissolution is sought, except in cases where an Order has been made by Ministers under section 8(4). However, it is an essential feature of simplified procedure divorce that the evidence of the grounds of divorce is generally provided by the applicant alone. In order to achieve that Ministers have, as indicated above, previously made relevant provision under section 8(4) in relation to divorces and dissolutions based on the parties' separation.

25. Ministers have not made provision under section 8(4) in respect of divorce/dissolution on the grounds of the issue of an interim GRC. Clearly, the fact that an interim GRC has been issued can be evidenced by the certificate itself (the certificate is issued by the GRP and not by the parties to the divorce). However, the effect of the change in the grounds of divorce made by section 31 of the 2014 Act is that the court now also requires evidence that a full GRC has not been issued by the GRP. There is no third party evidence of this that could conveniently be used in the context of a simplified divorce. (This point does not arise in relation to dissolution of civil partnerships as there is no equivalent of section 31 for civil partnerships).

26. The argument for retaining simplified procedures for divorce and dissolution actions on the ground of the issue of an interim GRC is that people divorcing or dissolving on this ground should be able to use the simplified procedures in the same way as people divorcing or dissolving on the basis of non-cohabitation. The Scottish Government's understanding is that simplified divorce and dissolution

procedures were made available in interim GRC cases as this, like non-cohabitation, is a no-fault basis for obtaining a divorce or dissolution.

27. The arguments against retaining simplified procedures for divorce and dissolution actions on the ground of the issue of an interim GRC are:

- There are few divorces on the ground of the issue of an interim GRC through the simplified procedure. The ordinary procedure will, of course, remain available as will simplified divorce and dissolution where the couple have not cohabited for a year (with both parties consenting to the divorce or dissolution or the couple have not cohabited for two years).
- The most likely reason for seeking a divorce (to obtain a full GRC issued by the court in line with section 5 of the Gender Recognition Act 2004) has largely disappeared now that a trans person can obtain a full GRC from the GRP and stay married or can obtain a full GRC from the sheriff after obtaining an interim GRC from the GRP. [A spouse may perhaps still wish a divorce if the sheriff grants a full GRC after the trans person obtains an interim GRC but it has always been difficult for a non-trans spouse to use the ground of the issue of an interim GRC as a non-trans spouse may not have easy access to the interim GRC or a certified version. The spouse may choose to use the other divorce ground of irretrievable breakdown of the marriage].
- The Scottish Government is planning to change the GRA 2004 more widely in any event, given the Manifesto commitment. As part of that, we'll need to consider generally the impact on divorce legislation.
- Discontinuing the simplified procedure in this area would significantly reduce the volume of court rules and forms that are needed.

28. *[DN. Add paragraph on proposed approach, depending on outcome of Family Law Committee of the Scottish Civil Justice Council on 8 May 2017].*

29. Section 31 of the 2014 Act does not arise in relation to dissolutions. However, the Scottish Government is of the view that it would be logical to treat dissolutions in the same way as divorces. The statistics at [footnote 1](#) and at [Annex D](#) suggest in any event that there have no dissolutions of civil partnerships on the grounds of the issue of an interim GRC in the period from 2011/12 to 2014/15, inclusive.

Question 4. Should gender recognition be removed from the scope of the simplified procedures for divorce and dissolution? Yes/no. Please add comments if you wish.

### Conclusion

30. In line with usual practice, partial Impact Assessments have been prepared.

- A partial Business and Regulatory Impact Assessment or BRIA is attached at Annex [H](#). *[DN. To be added].*
- A partial Equality Impact Assessment or EQIA is attached at Annex [I](#). *[DN. To be added].*
- A partial Child Rights and Wellbeing Impact Assessment (CRWIA) is attached at Annex [J](#). *[DN. To be added].*

31. The Government does not consider that the following Impact Assessments are required:

- Strategic Environmental Assessment (SEA)
- Privacy Impact Assessment (PIA)

Question 5. Please provide any comments you have on the partial Business and Regulatory Impact Assessment (BRIA), on the partial Equality Impact Assessment (EQIA) and on the partial Child Rights and Wellbeing Impact Assessment (CRWIA).

32. The Government would be grateful for any further comments you may wish to make:-

Question 6. Do you have any further comments? Yes/no. if so, please outline them accordingly.

**Scottish Government**  
**INSERT DATE**

**ANNEX A: ORGANISATIONS WHO HAVE BEEN SENT THIS PAPER**  
**[DRAFTING NOTE: TO BE CHECKED]**

Aberlour  
Barnardo's  
Centre for Research on Families and Relationships  
Children 1<sup>st</sup>  
Children in Scotland  
Christian Institute  
Clan Child Law  
Convention of Scottish Local Authorities  
Equality and Human Rights Commission Scotland  
Equality Network  
Evangelical Alliance  
Faculty of Advocates  
Families Need Fathers  
Family Law Association  
Gender Recognition Panel  
Humanist Fellowship of Scotland  
Humanist Society Scotland  
Law Society of Scotland  
LGBT Youth Scotland  
Members of the European Parliament representing Scotland  
Muslim Council of Scotland  
Relationships Scotland  
Scotland's Commissioner for Children and Young People  
Scottish Christian Party  
Scottish Churches Parliamentary Office  
Scottish Child Law Centre  
Scottish Conservative and Unionist Party  
Scottish Council of Jewish Communities  
Scottish Council for Voluntary Organisations  
Scottish Courts and Tribunals Service  
Scottish Green Party  
Scottish Human Rights Commission  
Scottish Labour Party  
Scottish Law Commission  
Scottish Legal Aid Board  
Scottish Liberal Democrats  
Scottish Local Government Partnership  
Scottish National Party  
Scottish Trades Union Congress  
Scottish Transgender Alliance  
Scottish Women's Aid  
Scottish Youth Parliament  
Sheriffs' Association  
The Spark  
Stonewall Scotland

Other bodies and individuals are welcome to respond to this consultation paper.

**ANNEX B: SECTION 12 Of THE CHILDREN (SCOTLAND) ACT 1995**

(1) In any action for -

(a) divorce, judicial separation or declarator of nullity of marriage, or

(b) dissolution or declarator of nullity of a civil partnership or separation of civil partners,

the court shall, where this section applies, consider (in the light of such information as is before the court as to the arrangements which have been, or are proposed to be, made for the upbringing of each child by virtue of which it applies) whether to exercise with respect to him the powers conferred by section 11 of this Act or section 62 of the Children's Hearings (Scotland) Act 2011.

(2) Where, in any case to which this section applies, the court is of the opinion that—

(a) the circumstances of the case require, or are likely to require, it to exercise any power under section 11 of this Act or section 62 of the Children's Hearings (Scotland) Act 2011 with respect to the child concerned;

(b) it is not in a position to exercise that power without giving further consideration to the case; and

(c) there are exceptional circumstances which make it desirable in the interests of that child that it should not grant decree in the action until it is in a position to exercise such a power,

it shall postpone its decision on the granting of decree in the action until it is in such a position.

(3) This section applies where a child of the family has not reached the age of sixteen years at the date when the question first arises as to whether the court should give such consideration as is mentioned in subsection (1) above.

(4) In this section "child of the family", in relation to —

(a) the parties to a marriage, means

(i) a child of both of them; or

(ii) any other child, not being a child who is placed with them as foster parents by a local authority or voluntary organisation, who has been treated by both of them as a child of their family; or

(b) the partners in a civil partnership, means a child

(i) who has been treated by both partners as a child of the family which their partnership constitutes; or

(ii) whose parents are the partners (being parents by virtue of sections 33 and 42 of the Human Fertilisation and Embryology Act 2008).

**ANNEX C: DRAFT ORDER**

**[TO BE ADDED]**

**ANNEX D: STATISTICS ON NUMBER OF DIVORCES AND DISSOLUTIONS ON THE GROUND OF THE ISSUE OF AN INTERIM GRC, BY PROCEDURE****Divorces on ground of issue of interim Gender Recognition Certificate**

<b>Year</b>	<b>Divorces on ground of issue of interim GRC</b>	<b>Procedure</b>
2011-12	1	Simplified
2012-13	1	Ordinary
2013-14	1	Simplified
2014-15	1	Ordinary
2015-16	0	Not applicable

Over the same period, there were no dissolutions granted on the grounds of issue of an interim GRC.

**ANNEX E: CURRENT PROCEDURES FOR SIMPLIFIED DIVORCE AND DISSOLUTION ON THE GROUND OF THE ISSUE OF AN INTERIM GRC**

1. Relevant provision is made in court rules and court forms.

Sheriff court - divorce

2. Ordinary Cause Rule 33.74(3) provides:

“A simplified divorce application in which the facts set out in section 1(1)(b) of the Act of 1976 (grounds of divorce: interim gender recognition certificate) are relied on shall be made in Form F33A and shall only be of effect if it is signed by the applicant.”<sup>4</sup>

Sheriff court - dissolution

3. Ordinary Cause Rule 33A.67(3) provides:

“ A simplified dissolution of civil partnership application in which the facts set out in section 117(2)(b) of the Act of 2004 (issue of interim gender recognition certificate) are relied on shall be made in Form CP31 and shall only be of effect if it is signed by the applicant.”<sup>5</sup>

Court of Session - divorce

4. Court of Session Rule 49.73(3) provides:

“ A simplified divorce application in which the facts set out in section 1(1)(b) of the Act of 1976(a) (grounds of divorce: interim gender recognition certificate) are relied on shall be made in Form 49.73-C and shall only be of effect if signed by the applicant.”<sup>6</sup>

Court of Session – dissolution

5. Court of Session Rule 49.80B(3) provides:

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<sup>4</sup> Chapter 33 of the Ordinary Cause Rules are at [https://www.scotcourts.gov.uk/docs/default-source/scr-ordinary-cause-rules---part-2/chapter-33---family-actions-\(6\).doc?sfvrsn=24](https://www.scotcourts.gov.uk/docs/default-source/scr-ordinary-cause-rules---part-2/chapter-33---family-actions-(6).doc?sfvrsn=24) Form F33A is available at <https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/forms/sheriff-court-forms/ordinary-cause-forms/form-f33a.doc?sfvrsn=16>

<sup>5</sup> Chapter 33A of the Ordinary Cause Rules are at [https://www.scotcourts.gov.uk/docs/default-source/scr-ordinary-cause-rules---part-2/chapter-33a---civil-partnership-actions-\(6\).doc?sfvrsn=20](https://www.scotcourts.gov.uk/docs/default-source/scr-ordinary-cause-rules---part-2/chapter-33a---civil-partnership-actions-(6).doc?sfvrsn=20) Form CP31 is available at <https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/forms/sheriff-court-forms/ordinary-cause-forms/form-cp31.doc?sfvrsn=8>

<sup>6</sup> Chapter 49 of the Court of Session Rules are at <https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/rules-of-court/court-of-session/chap49.pdf?sfvrsn=18> Form 49.73-C is available at <https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/forms/court-of-session-forms/form-49-73-c.pdf?sfvrsn=12>

“ A simplified dissolution application in which the facts set out in section 117(2)(b) of the CP Act of 2004 (issue of interim gender recognition certificate) are relied on shall be made in Form 49.80B-C and shall only be of effect if signed by the applicant.”<sup>7</sup>

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<sup>7</sup> Chapter 49 of the Court of Session Rules are at the link above. Form 49.80B-C is at <https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/forms/court-of-session-forms/form-49-80b-c1.pdf?sfvrsn=10>

**ANNEX F: RESPONDENT INFORMATION FORM AND QUESTIONS**  
**PROPOSED EXTENSION OF SIMPLIFIED DIVORCE/DISSOLUTION**  
**RESPONDENT INFORMATION FORM**



**Please Note.** If you are responding by hard copy through the post this form **must** be returned with your response to ensure that we handle your response appropriately. This form does not need to be completed when replying through Citizen Space as Citizen Space contains mandatory fields asking for details of the person or body responding to the consultation and whether the person or body is happy for their response to be published.

Responses to this consultation must either be on-line through Citizen Space or hard copy through the post.

**1. Name/Organisation**

**Organisation Name (if applicable)**

**Surname**

**Forename**

**2. Postal Address**

<b>Postcode</b>	<b>Phone</b>	<b>Email</b>

**3. I am responding from:**

Scotland  Rest of United Kingdom  Overseas

**4. Permissions - I am responding as...**

**Individual / Group/Organisation**

Please tick as

**(a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?  
**Please tick as appropriate**  
 Yes  No

**(b)** Where confidentiality is not requested, your responses may be made available to the public on the following basis  
**Please tick ONE of the following boxes**

Yes, make my response, name and address all available

**or**

Yes, make my response available, but not my name and address

**or**

Yes, make my response and name available, but not my address

**(c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

**Please tick as appropriate**  
 Yes  No

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?  
**Please tick as appropriate**  Yes  No

**Questions****CONSULTATION QUESTIONS**

Question 1. Should simplified divorce and dissolution be extended to cover cases where there are children under 16 and no dispute about the upbringing of the children? Yes/no. Please give reasons for your answer.

Question 2. Do you have any comments on the proposed Order to disapply the need for third party evidence in divorce and dissolution cases where there are children under the age of 16 and the parties have agreed on the upbringing of the children? Yes/no. If yes, please outline your comments.

Question 3. Do you consider the steps being taken to protect the interests of the child are sufficient? Yes/no. If no, please outline what you think should be done in this area.

Question 4. Should gender recognition be removed from the scope of the simplified procedures for divorce and dissolution? Yes/no. Please add comments if you wish.

Question 5. Please provide any comments you have on the partial Business and Regulatory Impact Assessment (BRIA), on the partial Equality Impact Assessment (EQIA) and on the partial Child Rights and Wellbeing Impact Assessment (CRWIA).

Question 6. Do you have any further comments? Yes/no. if so, please outline them accordingly.

[TO BE COMPLETED WHEN FINALISED]