

Form 49.14-A

**Form of notice to defender where it is stated that he consents to decree of divorce**

Date: *(date of posting or other method of service)*

To: *(name and address of defender in summons)*

TAKE NOTICE

*(Pursuer's name and address)*, pursuer, has brought an action against you in the Court of Session, Edinburgh. The pursuer seeks divorce from you. A copy of the summons in the action is attached.

1. The summons states that you consent to a decree of divorce. If you do consent your spouse will obtain a decree of divorce if he shows that you have not cohabited with him [*or her*] at any time during a continuous period of one year after the marriage and immediately before this action.
2. If your spouse obtains a decree of divorce, the consequences may be as follows:-
  - (a) you may lose your rights of inheritance in your spouse's property;
  - (b) you may lose the right to any pensions which depends on the marriage continuing or on your being left as a widow or widower;
  - (c) apart from these consequences there may be others depending on your particular circumstances.
3. If you consent to the grant of decree of divorce, you are still entitled to apply to the court:-
  - (a) to make financial or other provision for you by making an order under the Family Law (Scotland) Act 1985;
  - (b) to make an order under section 11 of the Children (Scotland) Act 1995 or for maintenance in respect of any child of the marriage, or any child accepted as such, who is under 16 years of age.

In order to make such an application you must lodge defences to the action seeking any such order. If you wish to do this you should consult a solicitor.

4. If after considering the above you wish to consent to decree of divorce, you should complete and sign the attached notice of consent form, and send it to:-

The Deputy Principal Clerk of Session  
2 Parliament Square  
Edinburgh EH1 1RQ

You may do so within [21] days after the date of service on you of the summons [*or if service is executed before calling of the summons*, within seven days after the summons calls in court. The summons will not call in court earlier than [21] days after the date of service on you of the summons]. The date of service is the date stated at the top of this notice unless service has been made by post in which case the date of service is the day after that date.

5. If after consent you wish to withdraw your consent, you must immediately inform the Deputy Principal Clerk of Session at the above address in writing. Please state the name of the court action in your letter.

**IF YOU ARE UNCERTAIN ABOUT THE EFFECT OF THIS NOTICE, you should consult a solicitor, Citizens Advice Bureau or other local advice agency or adviser immediately.**

*(Signed)*

Messenger-at-Arms  
[*or Solicitor [or Agent] for pursuer*]  
*(Address)*