

Form 49.14-C

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

Date: *(date of posting and 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, defender, in the Court of Session, Edinburgh. The pursuer seeks separation from you. A copy of the summons in the action is attached.

1. The summons states that you consent to the grant of a decree of separation. If you consent your spouse will obtain a decree of separation if he shows that you have not cohabited with him [*or her*] at any time during a continuous period of one year after marriage and immediately before this action.
2. If your spouse obtains a decree of separation, the consequences may be as follows:-
 - (a) you will be obliged to live apart from your spouse but the marriage will continue to exist;
 - [(b) your spouse will continue to have a legal obligation to support you and his children;]
 - [(b) *or* (c)] apart from the above there may be other consequences applicable to you depending on your particular circumstances.
3. If you consent to the grant of a decree of separation, you are still entitled to apply to the court:-
 - (a) for an order under section 11 of the Children (Scotland) Act 1995 for maintenance in respect of any child of the marriage, or any child accepted as such, who is under 16 years of age.
 - (b) for payment of aliment by your spouse to you.

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 a decree, please complete 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 at the Office of Court, Court of Session, 2 Parliament Square, Edinburgh EH1 1RQ 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)